

Decision No. 24607

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the COUNTY OF ORANGE for an)
order authorizing the re-location)
of a grade crossing over the right)
of way and tracks of The Atchison,)
Topeka and Santa Fe Railroad Com-)
pany at Doheny Palisades in)
Orange County, California.)

APPLICATION NO. 17996

BY THE COMMISSION:

ORIGINAL

ORDER

The Board of Supervisors of the County of Orange, State of California, on February 27, 1932, applied for authority to relocate a public crossing at grade across the track of The Atchison, Topeka and Santa Fe Railway Company (Crossing No. 2-201.0) from its present location, to a point approximately 440 feet east thereof and opposite Doheny Drive, in the vicinity of the City of San Clemente. The Atchison, Topeka and Santa Fe Railway Company, on March 11, 1932, signified, in writing, that it has no objection to the relocation of said crossing at grade.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said track at the point mentioned, and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the Board of Supervisors of the County of Orange, State of California, is hereby authorized to relocate a public crossing at grade across the track of The Atchison, Topeka and Santa Fe Railway Company (Crossing No. 2-201.0) from its present location to a point approximately 440 feet east thereof and

at the location more particularly described in the application and as shown by the maps (Exhibit "A") attached thereto, subject to the following conditions, and not otherwise:

- (1) The relocated crossing shall be identified as Crossing No. 2-201.0.
- (2) The entire expense of relocating the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company.
- (3) The relocated crossing shall be constructed of a width of not less than thirty (30) feet, and at an angle of ninety (90) degrees to the railroad, and with grades of approach not greater than five (5) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72; shall be protected by a Standard No. 1 crossing sign, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) The standard No. 3 wigwag located at the existing crossing (Crossing No. 2-201.0) shall be removed from its present location and installed and maintained, for the protection of the crossing, at its new location. The cost of removing said wigwag and installing same at its new location shall be borne by applicant. The cost of maintaining said wigwag shall be borne by The Atchison, Topeka and Santa Fe Railway Company.
- (5) Applicant shall, within thirty (30) days from the date hereof, file with this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public crossing located approximately 440 feet west of the crossing authorized herein and identified as Crossing No. 2-201.0. Upon the completion of the crossing herein authorized, and upon its being opened to public use and travel, said existing crossing No. 2-201.0 shall be legally abandoned and effectively closed to public use and travel.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the

completion of the installation of said crossing,
and of its compliance with the conditions hereof.

- (7) The authorization herein granted shall lapse and become void, if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.
- (8) The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said crossing, as to it may seem right and proper, and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 21st day of March, 1932.

C. S. Severy
Leon Cephus
M. J. Curran
W. B. Lewis
Fred G. Stewart
Commissioners.