

Decision No. 24619.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

<p>In the Matter of the Application of the City of Newport Beach, a municipal corporation, for an or- der granting permission to con- struct a grade crossing at Orange Street in the City of Newport Beach.</p>
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Application No. 17970.

BY THE COMMISSION:

ORDER

The City Council of the City of Newport Beach, County of Orange, State of California, on February 16, 1932, applied for authority to construct a public street known as Orange Street at grade across the tracks of Southern Pacific Company and Pacific Electric Railway Company in the said City of Newport Beach.

Attached to the application are copies of agreements between applicant and said railroad companies covering the terms of installation and maintenance of said crossings. It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings with said tracks at the points mentioned and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the City Council of the City of Newport Beach, in the County of Orange, State of California, is hereby authorized to construct Orange Street at grade across

the tracks of Southern Pacific Company and Pacific Electric Railway Company at the locations more particularly described in the application and as shown by the maps (Exhibits "C" and "D") attached thereto, subject to the following conditions and not otherwise:

- (1) The crossing over the track of Southern Pacific Company shall be identified as Crossing No. BKN-527.8, and the crossing over the track of Pacific Electric Railway Company shall be identified as Crossing No. 6E-35.91.
- (2) The entire expense of constructing the crossings shall be borne by applicant. The cost of maintenance of those portions of said crossings outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of those portions of the crossings between lines two (2) feet outside of the outside rails shall be borne by the respective railroads involved.
- (3) The crossings shall be constructed of a width of not less than thirty (30) feet and at an angle of ninety (90) degrees to the railroads and with grades of approach not greater than five (5) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by Standard No. 1 Crossing Signs 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) A Standard No. 3 wigwag, as specified in General Order No. 75 of this Commission, shall be installed at the sole expense of applicant for the protection of said crossing of Orange Street over the track of Pacific Electric Railway Company and designated as Crossing No. 6E-35.91. Its maintenance thereafter shall be borne by Pacific Electric Railway Company.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of its compliance with the conditions hereof.

- (6) 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.
- (7) The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said crossings, 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 25th day of March, 1932.

C. J. Security

M. A. Can

M. B. Harris

Commissioners.