

Decision No. 25206 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the County of San Bernardino, for permission to construct a crossing at grade over the tracks of the A.T. & S.F. Ry. Co., in the vicinity of Calzona, County of San Bernardino, State of California.

Application No. 18267.

ORIGINAL

Stanley Mussell, District Attorney, for Applicant.

M. W. Reed, for The Atchison, Topeka and Santa Fe Railway Company.

A. W. Zickert, for The Calzona Company.

BY THE COMMISSION:

O P I N I O N

A public hearing was conducted in the above entitled proceeding before Examiner Hunter at San Bernardino, September 14, 1932, at which time the matter was taken under submission.

In this proceeding the County of San Bernardino seeks authority to construct Calzona Avenue at grade across the main line track of The Atchison, Topeka and Santa Fe Railway Company's Parker Branch, at Calzona. Calzona is a newly platted townsite located in the southeast corner of San Bernardino County and is about one mile west of the Colorado River. This townsite is laid out on each side of the railroad track which extends in a general easterly and westerly direction in this vicinity.

A representative of The Calzona Company testified that his company had spent considerable money in the new townsite in the way of street improvements, water supply and plans for future

development; also that the back country is being developed for agricultural purposes as well as mineral, and Calzona is expected to be the trading center for this district. It is anticipated by the promoters of this townsite that many of the employees engaged in the construction of the intake end of the Los Angeles Aqueduct will make their homes at Calzona.

The nearest public crossings over the railroad to the one proposed herein are Crossing No. 2P-113.9, a distance of about one mile to the east, and Crossing No. 2P-120.1, a distance of about five miles to the west. In this proceeding the County agrees to close the crossing to the east (Crossing No. 2P-113.9) if and when the proposed crossing at Calzona Avenue is opened. The County Surveyor testified that a crossing over the railroad at Calzona Avenue, as applied for herein, would better serve the public need for access over the track than the one to the east.

The Atchison, Topeka and Santa Fe Railway Company takes the position that it will not oppose the granting of this application, provided the County pays the entire cost of constructing the new crossing and that the existing one to the east (Crossing No. 2P-113.9) is closed, as proposed by applicant. The normal operation over the track involved consists of two passenger and two freight trains per day.

The record shows that there is an unobstructed view of the track at the proposed crossing and in view of the fact that the railroad right-of-way is 200 feet wide with streets adjacent thereto on each side, there is little likelihood that the view will be impaired to any material extent even with the development of the adjacent property, therefore no special protection should be required at this time. No opposition developed to the granting of this application.

After carefully considering the record in this proceeding it appears that applicant's request to construct the proposed crossing should be granted, provided the crossing to the east is closed.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been submitted and being now ready for decision,

IT IS HEREBY ORDERED that the County of San Bernardino, State of California, is hereby authorized to construct Calzona Avenue across the track of The Atchison, Topeka and Santa Fe Railway Company, at the location more particularly described in the application and as shown by the map attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 2P-114.9.
- (2) The entire expense of constructing 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 outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company.
- (3) The crossing shall be constructed of a width of not less than thirty (30) feet and at an angle of approximately 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. 2 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 existing crossing (No. 2P-113.9), located approximately one (1) mile to the east of the crossing herein authorized, shall be legally abandoned and effectively closed to public travel over the track upon the opening of the crossing herein authorized.

- (5) 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.
- (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 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 26th day of September, 1932.

C. Seaver
Leon Whitely
W. J. Cunniff
M. B. Lavin
Fred G. Albrecht
Commissioners.