

ORIGINAL

Decision No. 10528

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
public road at grade across the
track of The Atchison, Topeka &
Santa Fe Railway Company near
Thorn Station in the County of
San Bernardino, State of Calif-
ornia.

Application No. 7692.

John L. Campbell, for Applicant.
E. T. Lucey, for The Atchison, Topeka
and Santa Fe Railway Company.
John S. Thayer, for Appleton, Land
and Water Company, Protestant.

BY THE COMMISSION:

O P I N I O N

This is an application by the County of San Bernardino for permission to construct an east and west road across the main line track of The Atchison, Topeka & Santa Fe Railway Company, 504.8 feet northerly from the south line of Section 34 Township 5 North, Range 4 West, S.B.B. & M.

A public hearing on this application was held in San Bernardino May 17, 1922, before Examiner Williams.

The purpose of the proposed road is to give a direct outlet from Apple Valley along the south township line of Township 5 North to the State highway which approximately parallels the railroad and is located some four miles west of the railroad at this point.

There are some thirty or forty families in Apple Valley who would be benefited by the construction of this road. The only

outlet which these people have at the present time is by roads through Hesperia, some three and one half miles south, or through Victorville, some $4\frac{1}{2}$ miles north, both of these latter routes being somewhat greater in distance to San Bernardino, and the route by Victorville being over relatively heavy grades.

In addition to the local need for this road in Apple Valley, this road would also serve the residents of Lucern Valley who have, at their own expense, constructed several miles east of the track along the route of the proposed road. This road would also be used by travellers to and from Bear Valley and the testimony indicated that during certain seasons of the year the total traffic over the proposed crossing would be quite heavy.

It was also stated at the hearing that there were orchards in Apple Valley just coming into bearing and that the need of this road as an outlet for this produce would continue to increase.

It appears that Thorn Station is the nearest shipping point for the farmers in this vicinity and that the only access they now have to the shipping facilities at Thorn is by means of a private crossing, which is inconvenient and unsatisfactory. This private crossing is about 800 feet northerly from the proposed crossing.

The railroad over which this crossing is requested is the main line of the Santa Fe and carries a traffic of about 19 passenger trains and 16 freight trains daily. The track is on a descending grade of $1\frac{1}{2}\%$ northerly with the result that passenger trains in that direction operate at very high speeds with relatively little noise. The railroad curves around a hill a few hundred feet southerly from the township line in such a way that there is a very serious obstruction to view of approaching trains at that point and, due to this fact applicant departed from the township line in locating the crossing. More favorable topographical conditions exist for the construction of the crossing at a location about 100 feet

southerly from the proposed crossing and it appears that the crossing should be constructed at this latter location, rather than on the township line itself, or at the point originally designated in the application.

It appears that with the construction of this crossing, the private crossing at Thorn Station can be eliminated, and also the more northerly of the two grade crossings at Hesperia, some $3\frac{1}{2}$ miles southerly. This latter crossing at Hesperia is quite a dangerous crossing and its elimination will very materially promote the public safety.

The railroad offers no objection to the construction of this crossing but the Appleton, Land and Water Company, which owns adjacent property, protested against the granting of this application. The protestant stated that in its opinion the county could improve an existing county road right of way from a point in the proposed road at the northeast corner of Section 6, Township 4 North, Range 3 West, in a southerly and westerly direction to the more southerly of the two crossings at Hesperia, and that such a route would be less than one mile greater in distance to San Bernardino than the route which would use the crossing proposed by the applicant. He stated that in this manner not only could the dangerous northerly crossing at Hesperia be eliminated, but the construction of the additional crossing applied for in this proceeding could also be avoided and all the traffic diverted to the more southerly crossing at Hesperia.

The protestant also claimed that a considerable portion of the residents of Apple Valley lived from one to three miles south of the proposed road along the township line and that for this reason the route suggested by him would be nearly as convenient as the route along the township line. Protestant, however, did not show as a matter of practical fact that the dangerous northerly crossing at Hesperia would actually be eliminated, unless

such elimination were made a condition upon which the present application were granted and the testimony of residents of Apple Valley indicated that they considered the direct access to shipping facilities at Thorn Station and the use of an additional four miles of paved highway on the route to San Bernardino a very considerable convenience. It therefore appears that the public safety will be promoted and public convenience and necessity best served by the construction of the crossing applied for in this application if proper protection is provided and the dangerous northerly crossing at Hesperia actually closed.

Although at the point finally selected for the construction of the proposed crossing there is a clear and unobstructed view in all directions except for the hill already referred to, it appears that there are times when wind and sand storms seriously interfere with the ready observation of approaching trains and this fact, when considered with the volume of highway traffic that will at times cross this railroad, which carries as it does numerous high speed trains, makes it advisable that an automatic flagman be installed for the protection of this crossing.

O R D E R

County of San Bernardino having applied for permission to construct a road at grade across the track of The Atchison, Topeka & Santa Fe Railway Company near the south line of Section 34, Township 5 North, Range 4 West, S.B.B. & M., a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY FOUND AS A FACT, that public convenience and necessity require the establishment of a public crossing at grade at the point hereinafter set forth under certain conditions as hereinafter specified, therefore

IT IS HEREBY ORDERED, that permission be and it is hereby granted the County of San Bernardino to construct a public road

at grade across the track of The Atchison, Topeka & Santa Fe Railway Company at a point which bears North 36 degrees 8 minutes West, a distance of 814.8 feet from the Southeast corner of Section 34 Township 5 North, Range 4 West S.B.B. & M., subject to the following conditions:

(1) The entire expense of constructing the crossing shall be borne by the applicant. The cost of its maintenance up to a line two (2) feet outside the rails shall be borne by the applicant. The maintenance of that portion of the crossing between the rails and two (2) feet outside thereof shall be borne by The Atchison, Topeka & Santa Fe Railway Company.

(2) The crossing shall be constructed of a width not less than twentyfour (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of said crossing at the expense of applicant, said flagman to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said flagman shall be borne by The Atchison, Topeka & Santa Fe Railway Company.

(4) The existing so-called north crossing at Hesperia located at engineer's station 2374 plus 65 in Section 16, Township 4 North, Range 4 West, S.B.B. & M., shall be legally abandoned and effectively closed to public use and travel.

(5) The existing private crossing located approximately one quarter of a mile north of the south line of Section 34, Township 5 North, Range 4 West, S.B.B. & M., shall be abandoned and effectively closed.

(6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the in-

stallation of said crossing.

(7) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order 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, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 24 day of

June
~~May~~, 1922.

H. B. Brundage

Irving Martin

J. F. Pennington

Commissioners.