

Decision No. 10989

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the City of Huntington Beach for an order authorizing a grade crossing across the Southern Pacific Right of Way at its intersection with Clay Street, Huntington Beach, California.

Application 7899.

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In the matter of the application of the County of Orange for an order authorizing a grade crossing across the Southern Pacific Right of Way at its intersection with Clay Street, Huntington Beach, California.

Application 8248.

BY THE COMMISSION:

O R D E R

The City of Huntington Beach, County of Orange, State of California, having on May 31, 1922, filed with the Commission an application for permission to construct a public street at grade across the track of Southern Pacific Company, hereinafter called the Railroad, in said County, as hereinafter indicated, and the Board of Supervisors of the County of Orange, State of California, having on September 12, 1922, filed with the Commission an application for permission to construct a public road at grade across the tracks of said Railroad, said application of the City of Huntington Beach covering a crossing of that part of Clay Street located in said City, and said application of the Board of Supervisors of Orange County covering that part of said Clay Street located in Orange County, unincorporated, and it appearing to the Commission that these applications should be consolidated for a decision;

that this is not a case in which a public hearing is necessary; that the Railroad has signified by letter that it has no objection to the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said track, and that the applications should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted the City of Huntington Beach and the Board of Supervisors of the County of Orange, State of California, to construct a crossing at grade across the tracks of the Railroad described as follows, to wit:

COMMENCING at the northwest corner of Block No. 2801 in tract No. 77 in said City of Huntington Beach; thence west along the southerly line of Clay Street 40 feet; thence north 30 feet to the southerly boundary of Orange County, unincorporated; thence north 30 feet; thence east 40 feet; thence south 30 feet to the southerly boundary of Orange County, unincorporated; thence south 30 feet to the point of beginning,

all of the above as shown by the map attached to the application; said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing shall be borne one-half by the City of Huntington Beach and one-half by the County of Orange. The cost of the maintenance of the northerly half of said crossing shall be borne by the County of Orange up to a line two (2) feet outside of the rails and the cost of the maintenance of the southerly half of said crossing up to a line two (2) feet outside of the rails shall be borne by the City of Huntington Beach. The maintenance of that portion of the crossing between the rails and two (2) feet outside thereof shall be borne by said Railroad.

(2) The crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle of ninety (90)

degrees to the Railroad and with grades of approach not greater than four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of said crossing at the expense of applicants, each applicant to bear one-half of said expense, 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 said Railroad.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) 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 16<sup>th</sup> day of September, 1922.

H. H. Brundage

Dwight Martin

J. F. [Signature]

Commissioners.