

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 highway over the tracks of Southern Pacific Company at or near Redlands Junction, San Bernardino County, California.

Application 1785.

J. I. Campbell, for applicant

George D. Squires, for Southern Pacific Company

GORDON, Commissioner,

O P I N I O N

The crossing covered by this application is located on an east and west road known as Denman Avenue. The road has been open across the tracks for many years but the tracks were crossed about 100 feet north of the crossing to be considered here, and has it/been necessary to make a detour to and from the tangent to reach the old crossing. Some time ago when it was first proposed to straighten the road by changing the location of the crossing some of the county officials, without authority from the Board of Supervisors, constructed the crossing now applied for and closed the crossing previously used. Shortly afterward the Southern Pacific Company installed an automatic flagman to protect the new crossing and later gave the county an easement covering its site. This application then, in substance, asks the Commission to approve of what has been done.

The county officials have agreed to stand all expense in connection with the flagman, cattle guards and wing fences. The grading has already been done.

Although this road is not a through road it seems to be needed by the county. It is unnecessary to say that while the Commission does not approve of the County's procedure in doing the work first and filing the application afterward, there seem to be extenuating circumstances in this case. I believe this application should be granted. The crossing is apparently safer than the one

which has been abandoned, and with the crossing protection now installed, it is undoubtedly considerably safer than that crossing. It was brought out at the hearing that the approach to the east was not in a condition which would safeguard the passage over the tracks, but since the county officials agreed to fix this in a first-class manner it is not necessary to comment further upon it here.

O R D E R.

COUNTY OF SAN BERNARDINO, having on July 19, 1915, applied to the Commission for permission to construct a public highway at grade across the track of Southern Pacific Company at or near Redlands Junction, San Bernardino County, California, and a public hearing having been held, and it appearing to the Commission that this application should be granted,

IT IS HEREBY ORDERED, That the County of San Bernardino be and the same hereby is granted permission to construct a public highway (known as Denman Avenue) over the tracks of Southern Pacific Company at or near Redlands Junction, San Bernardino County, California, as shown by the map attached to the application, subject to the following conditions, viz.:-

- (1) The entire expense of constructing the crossing shall be borne by applicant.
- (2) The expense of maintaining the crossing hereafter up to two (2) feet of the rails of Southern Pacific Company shall be borne by applicant. The expense of maintaining the crossing across the tracks and to two (2) feet outside of same shall be borne by Southern Pacific Company.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet, with grades of approach not exceeding four (4) per cent, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.
- (4) Applicant shall, at its own expense install, and Southern Pacific Company shall thereafter maintain, an automatic flagman

at this crossing of a type approved by the Commission.

(5) The crossing previously used and located about 100 feet north of the crossing herein considered, shall be legally closed and abandoned as a public highway crossing.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of this 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.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California,

Dated at San Francisco, California, this 5th day of October, 1915.

W. H. Woodcock

Wm. G. Foster

Edwin O. Edgerton

Francis DeWitt

Commissioners.