

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 crossings)
across the tracks of The Atchison,)
Topeka and Santa Fe Railway Company)
at Al Rey siding, and near the)
station known as Gish, San Bernardino)
County, California.)
.....)

Application No. 1764.

J. L. Campbell, for applicant.

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

GORDON, Commissioner,

O P I N I O N.

This application was filed with the Commission on July 8, 1915, and looks to the construction of two grade crossings over the tracks of The Atchison, Topeka and Santa Fe Railway Company, one in the vicinity of Al Rey across a passing track and the eastbound main line of the railway, and one at Gish over the westbound main line.

San Bernardino County has recently voted a large sum of money for the construction of county roads and the road involved in these two crossings is being built under this appropriation. It replaces an old road now in existence and the construction work has been done upon it for several miles on both sides of these projected crossings. It appears that when the project of building this new road was first considered the matter was taken up with the Santa Fe and estimates were made and the work was undertaken with the understanding that the railway company would bear no portion of the cost of grade separations at these crossings. It appears further that if the county had felt that it would be necessary for grade separations to be made at these points, at its own expense, the increased cost of the work would have been great enough to have caused the county to improve the existing road rather than construct a new one.

On the old road there is a grade crossing which, the testimony shows, is exceedingly dangerous and is so located that it cannot be improved by a reasonable expenditure, and it seems to be the unanimous opinion of the engineers for the Highway Commission, the Railway Company and the Railroad Commission that the two grade crossings now proposed are safer for travel than this one crossing.

Counsel for the Santa Fe, at the hearing, stated that his Company did not now oppose grade crossings at these points but would pay one-half of the expense attendant upon grade separations if grade separations were decided upon. This offer, however, covered only the bridge work, the cost of which was estimated to be about \$15,000. In addition to this there would be considerable grading to be done and much grading now done would have to be abandoned.

Witnesses for the county testified that no funds were now available to pay the county's share of this construction and that the Santa Fe's offer to pay one-half of the expense of the bridge work had come too late in the proceedings to be of service.

The topography of the country at these crossings lends itself very readily to grade separations. The grade crossings as proposed, however, are not particularly dangerous, and they will be, I believe, when protected by automatic flagmen, comparatively safe for road traffic. While it is unfortunate that the original plans did not contemplate grade separations at these points, in view of the fact that these crossings eliminate a very dangerous crossing now used, and that the county has already gone to great expense to eliminate four other grade crossings on this same road in this vicinity, I am of the opinion that it would be unreasonable to now require a separation of grades at Gish and Al Rey, especially since it will cost very little more in the future, when the county may have the money, to bring about grade separations, than it would at this time.

If the traffic over this road were to be the same as that over the old road these crossings would hardly require protection. The new road, however, forms a link in the roads connecting Los Angeles with the east and the San Joaquin Valley, and when the improvements now under way are completed traffic will undoubtedly be very heavy. Automatic flagmen are not expensive and are an efficient form of protection and I believe in the interests of safety both of these crossings should be so protected.

The crossings eliminated and the crossing to be eliminated by this new road construction should be legally closed as public highways, and the county officials expressed their entire willingness to have this done.

I recommend the following form of order: -

O R D E R

COUNTY OF SAN BERNARDINO, having on July 8, 1915, filed with the Commission an application for permission to construct public highway crossings at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company at Al Rey siding, and near the station known as Gish, San Bernardino County, California, as hereinafter indicated, and a public hearing having been held, and it appearing that this application should be granted subject to certain conditions,

IT IS HEREBY ORDERED, That the County of San Bernardino be and the same is hereby authorized to construct public highway crossings at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company at Al Rey siding, and near the station known as Gish, San Bernardino County, California, as shown by the maps and profiles attached to the application; said crossings to be constructed subject to the following conditions and not otherwise, viz:-

(1) These crossings shall be constructed of a width not less than twenty (20) feet, with grades of approach not exceeding six (6) per cent, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(2) The entire expense of constructing the crossings shall be borne by applicant.

(3) The expense of maintaining the crossings thereafter on each side of the rails of the track and up to two (2) feet thereof shall be borne by applicant. The expense of maintaining the crossings across the track and to a distance of two (2) feet outside thereof shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

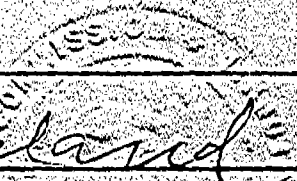
(4) For the protection of these crossings there shall be installed first-class, automatic flagmen of a type approved by the Commission. The entire expense of furnishing and installing these automatic flagmen shall be borne by applicant. The expense of maintaining them thereafter in good and first-class condition shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

(5) The five crossings shown on the map (filed by applicant at the hearing) as having been abandoned, shall be legally closed as public highway crossings.

(6) 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, 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.



H. H. ...

Edwin O. Edgerton

Fraud ...

Commissioners.