

In the matter of the application of)
the COUNTY OF ORANGE for an order)
authorizing it to construct crossings)
over the tracks of The Atchison, Topeka) Application No. 1669.
and Santa Fe Railway Company.)
.....)

Walter Eden for applicant

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

GORDON, Commissioner,

O P I N I O N.

This application, filed with the Commission on May 12, 1915, looks to the opening of Anaheim Road and Jefferson Street in the unincorporated city of Richfield, at grade, across the tracks of The Atchison, Topeka and Santa Fe Railway Company.

At the hearing held on this application the applicant withdrew that part of the application which referred to Anaheim Road so it will be necessary only to consider the proposed Jefferson Street crossing.

This street is laid out in a north and south direction and makes an angle of about 50 degrees with the track at the point of crossing where the track is on a 3 degree curve and about a 2/10 of 1 per cent grade. While the traffic which will use this crossing will not be great, I am satisfied that the road is nevertheless needed. There is no crossing of the track nearer than one mile in either direction at the present time and a road is now in existence parallel to Jefferson Street through its entire length, and some distance east of it, which has been used as a public road for a number of years.

The proposed improved road on Jefferson Street will cross the Santa Fe in two places. It will cross the main line immediately south of the junction of Elder Street and Jefferson Street and will cross it again at the point covered in this application.

When application was made for the present proposed crossing the crossing near Elder Street was omitted as the Santa Fe maps showed a crossing there and it was considered by the County of Orange that a legal crossing was now in existence. This is not the case, however, and both crossings should have been applied for at the same time. It is the intention of the County to improve both crossings and the road between them and for some distance south of the crossing applied for herein so in a measure the two crossings must be considered together.

At the crossing of Jefferson Street, covered by this application, the view at the intersection of the highway with the railway is open on all four corners but on account of the sharp angles of intersection and because the country is being rapidly improved and one orange grove has already been set out in such a way as to eventually obscure the view, I am of the opinion that this crossing should be protected by an automatic flagman.

I see no reason why the expense of this crossing should not be borne by the County. As a matter of fact the County has already accepted an easement from the Santa Fe for this crossing and the easement covers such an installation at the County's expense.

The other crossing of the Santa Fe tracks on Jefferson Street, near Elder Street, will be later applied for by the County and the representatives of the Santa Fe at the hearing agreed to install an automatic flagman there at the Company's own expense provided the County made a similar installation at the crossing under consideration here.

The present road east of Jefferson Street should, of course, be legally closed and abandoned at the crossings and it is the intention of the County to do this when Jefferson Street is improved and the two crossings on that street are installed.

I recommend the following form of order:-

O R D E R.

COUNTY OF ORANGE, having applied to the Commission for permission to construct Jefferson Street and Anaheim Street at grade over the tracks of The Atchison, Topeka and Santa Fe Railway Company and a hearing having been held and applicant having withdrawn the Anaheim Street crossing from consideration, and it appearing to the Commission that the Jefferson Street crossing should be opened subject to certain conditions,

IT IS HEREBY ORDERED, That the County of Orange be and the same is hereby granted permission to construct Jefferson Street at grade over the tracks of The Atchison, Topeka and Santa Fe Railway Company, at the point described in the application and shown on the map attached to same, subject to the following conditions, viz.:-

(1) The entire expense of constructing this crossing shall be borne by applicant.

(2) The expense of maintaining said crossing thereafter to a point within two (2) feet of the rails of The Atchison, Topeka and Santa Fe Railway Company shall be borne by applicant. The expense of maintaining the crossing between the rails and to a point two (2) feet outside thereof 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 twenty-four (24) feet, with grades of approach not exceeding four (4) per cent, and shall in every way be made safe and convenient for the passage thereover of vehicles and other road traffic.

(4) For the protection of this crossing there shall be installed an automatic flagman of a type approved by the Commission. The expense of this installation shall be borne by applicant and the expense of maintenance thereafter in first-class operating condition shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

(5) The present highway crossing to the east of this proposed crossing, and referred to in the foregoing opinion, 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 1st day of *May* 1916.

H. Shoveland

Alfred Gordon

Edwin O. Edgerston

Francis R. Quinn

Commissioners.