

ORIGINAL

Decision No. 41057

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of SAN BERNARDINO COUNTY for permission to construct a public highway at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company near Java, San Bernardino County, California.

Application No. 1904.

By the Commission.

O R D E R.

SAN BERNARDINO COUNTY having on October 5, 1915, filed with the Commission an application for permission to construct a public highway at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company near Java, San Bernardino County, California, as hereinafter indicated; and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary permission has been granted by The Atchison, Topeka and Santa Fe Railway Company for 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 tracks of The Atchison, Topeka and Santa Fe Railway Company, and that this application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be hereby granted SAN BERNARDINO COUNTY to construct a public highway at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company near Java, San Bernardino County, California, described as follows:

"Beginning at a point on the northerly right of way line of said railroad, opposite engineer's station 892 plus 29.5 in Township 9N, R22E, S. B. B. & M; thence south $0^{\circ} 52'$, W 157.28 ft.; thence south $56^{\circ} 11'$, W. 75.07 ft. to the southerly right of way line of said railroad; thence south $89^{\circ} 08'$ east along the southerly right of way line 121.73 ft; thence north $0^{\circ} 52'$, east 154.54 ft; thence north $46^{\circ} 00'$, east 64.44 ft. to the northerly right of way line of said railroad; thence north $89^{\circ} 08'$ west along the northerly right of way line of said railroad 105.67 ft. to the place 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, together with the cost of its maintenance thereafter in good and first-class condition, for the safe and convenient use of the public, shall be borne by applicant, except that the cost of maintaining the crossing between the rails and two (2) feet outside thereof shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

(2) Said crossing shall be constructed of a width of not less than twenty (20) feet, with grades of approach not exceeding 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) 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 24th day of January, 1917.

W. H. Loveland
W. H. Loveland
Edwin O. Edgerton
Frank R. DeWitt

Commissioners.