

ORIGINAL

Decision No. 6277

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 ) Application No. 4394.  
crossing over a railroad, for )  
public highway purposes. )

John L. Campbell for applicant.  
M. W. Reed for Atchison, Topeka  
and Santa Fe Railroad.

By the Commission.

O P I N I O N

On February 21, 1919, the County of San Bernardino filed with the Commission an application for permission to construct a crossing at grade over the tracks of the Atchison, Topeka and Santa Fe Railroad, between Sections 33 and 34, east of the railroad station known as Newberry, in the County of San Bernardino, State of California, as shown by the map attached to the application. On June 10, 1919, a hearing was held at San Bernardino before Examiner Encell.

The crossing in question is located on a north and south road, about three-quarters of a mile east of the station at Newberry. The object of this crossing is to allow ranchers living on the south side of the railroad to reach a new school house approximately one-half of a mile north of the proposed crossing. At the present time, it is necessary for these people to use a crossing one mile west of the crossing applied for, which makes a two-mile detour to the school for those residing south of the track. The main highway in this vicinity is about one-half of a mile south of the railroad.

In Report No. 485 of the Grade Crossing Survey conducted by

the engineering department of the Railroad Commission in November, 1917, it is recommended that the existing crossing about one-eighth of a mile west of the depot be moved two thousand feet west. In December, 1918, the engineering department of the Atchison, Topeka and Santa Fe Railroad and the Highway Commission of San Bernardino County, together with some of the ranchers living in the vicinity of Newberry, decided on the ground that it would be better to move the existing crossing fifteen hundred feet east of the proposed crossing, instead of two thousand feet west, as recommended by the Commission's engineer. As a result of this meeting, the application under consideration was filed.

Although it was the desire of both the railroad company and the engineering department of the Railroad Commission to abandon the original crossing west of the depot, the testimony shows that the closing of this crossing will seriously inconvenience the people who have settled in the neighborhood of Newberry. From the evidence, it appears desirable that the old crossing should remain open and that the new crossing should be granted.

#### O R D E R

COUNTY OF SAN BERNARDINO having on February 21, 1919, filed an application with the Commission for permission to construct a crossing at grade over the tracks of the Atchison, Topeka and Santa Fe Railroad, between Sections 33 and 34, east of the railroad station known as Newberry, in the County of San Bernardino, State of California, as shown by the map attached to the application; a public hearing having been held, and the Commission being fully apprised in the premises;

IT IS HEREBY ORDERED, That permission be and the same is hereby granted the COUNTY OF SAN BERNARDINO to construct a crossing at grade over the tracks of the Atchison, Topeka and Santa Fe Railroad,

between Sections 33 and 34, east of the railroad station known as Newberry, in the County of San Bernardino, State of California, as shown by the map attached to the application; said crossing to be constructed subject to the following conditions and not otherwise:

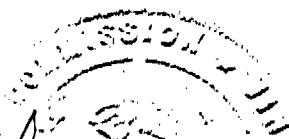
(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition, for the safe and convenient use of the public, shall be borne by the applicant.

(2) Said crossing shall be constructed twenty (20) feet in width, with grades of approach not exceeding one (1) 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.

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 3<sup>d</sup> day of July, 1919.

  
W. D. Lyda  
Frank R. DeWitt  
John A. Brundage  
Irving Martin  
Commissioners.