

In the matter of the application :
of the County of San Bernardino :
for an order authorizing the re- :
moval of a grade crossing of the : Application No. 660.
tracks of The Atchison, Topeka & :
Santa Fe Railway Company with a :
public highway from one point to :
another, north of Oro Grande. :

ORIGINAL

R. E. Hodge for County of San Bernardino

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

THEBLEN, Commissioner.

O P I N I O N.

The present county highway from San Bernardino to Barstow, running in a general north and south direction, crosses the main line track of The Atchison, Topeka & Santa Fe Railway Company, hereinafter referred to as the Santa Fe, at grade at engineer's station 1499+25.7, about one-half mile north of the Santa Fe Station at Oro Grande. The approach to the crossing from the west is at a grade variously estimated at between 7 and 10 per cent. Both to the north and the south of the point of crossing, the Santa Fe's tracks are on a curve through broken country, so that there is some obstruction to the view. The representatives of the county and the acting division superintendent of the Santa Fe agreed that the present crossing is dangerous and that the proposed crossing would be considerably safer.

The county now asks authority to abandon this crossing and to establish in lieu thereof a new crossing at grade at a point north some 950 feet at engineer's station 1606+75.7. It is proposed to continue the county road along the west side of the Santa Fe's right of way and then to make a crossing at right angles at the point indicated. The grade of the approach to the crossing over the tracks

at this point on both sides would be very light.

That the present/^{crossing} should be abandoned seems clear. The remaining important question is whether this crossing should be superseded by another grade crossing, as prayed for by the county, or by an undergrade crossing. It appears that considerable expense would be incurred on the east side of the Santa Fe's tracks if an undergrade crossing were established and that because of the right angle in the highway at the point of crossing if at grade, all teams and automobiles will have to slow down before crossing. I am satisfied that conditions and traffic are not such as to demand an undergrade crossing at the present time.

I am convinced, however, that if a grade crossing is authorized as prayed for, an effective safety device should be installed at the point of the new crossing. An average of twenty trains per day, both passenger and freight pass this point each day. The passenger trains attain a maximum speed of from thirty to fifty miles per hour. There is some considerable travel over this road though the amount of travel was not definitely established. An automatic wig-wag would serve the purpose. While it is clear that such signal device should be maintained by the railway company, it is more difficult to decide concerning the initial cost thereof. On the one hand, it is a general rule followed by the Commission unless good reasons appear to the contrary, that the cost of installing safety devices at railroad crossings shall be born by the applicant. On the other hand, the present crossing is dangerous and this Commission has the power to call upon the Santa Fe to install a safety device and thereafter to maintain it at the railway company's sole expense. Under all the circumstances of this proceeding, I find that a sharing of the expense of installation, half and half between the railway company and the county would be a fair and just division of the burden, and I shall recommend that such division be made.

I submit the following form of order:

O R D E R.

The County of San Bernardino having filed with the Railroad Commission its application for an order authorizing the abandonment of the existing public highway crossing, at grade, over the track of the Atchison, Topeka & Santa Fe Railway Company at Engineer's Station No. 1499+25.7 and the substitution therefor of a new crossing, at grade, at Engineer's Station No. 1606+75.7 north of Oro Grande and a public hearing having been held on said application, and the Railroad Commission finding that the present crossing is dangerous, that the proposed new crossing, in case the safety device hereinafter referred to is installed, will largely remove the danger, and that an order for the installation of an underground crossing would not be warranted at present.

IT IS HEREBY ORDERED that said application be and the same is hereby granted on the following conditions and not otherwise, to wit:

1. The entire expence of constructing the crossing at grade, apart from the safety device hereinafter referred to, shall be borne by the County of San Bernardino. Said crossing shall be constructed of a width not less than twenty-four feet, and shall be ballasted with first-class stone or gravel ballast to a depth of not less than six inches.
2. The expense of maintaining the crossing up to within two feet on each side of the rails of the Atchison, Topeka and Santa Fe Railway Company hereafter in good and first-class condition for the safe and convenient use of the public shall be borne by the County of San Bernardino and the Atchison, Topeka & Santa Fe Railway Company shall maintain said crossing across its tracks and ~~xxxx~~ within two feet on each side thereof.
3. Atchison, Topeka and Santa Fe Railway Company shall construct a first-class, standard automatic flagman, which, upon the approach of a train, shall disclose a red light, said light to have the motion of an inverted pendulum, which flagman shall, at

the same time, automatically sound a warning bell. Attached to the support of this device shall be a first-class, standard highway crossing sign, marked with appropriate black letters, not less than six inches in height, upon a white background. The County of San Bernardino shall reimburse to Atchison, Topeka and Santa Fe Railway Company one-half the expense of the installation of such flagman. The flagman shall thereafter be maintained in good, first-class condition by the Atchison, Topeka and Santa Fe Railway Company.

4. The Railroad Commission reserves the right to make such further orders relative to the later 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 demands 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 22nd day of August, 1913.

H. L. Loveland
Alex Gordon
Max Thelen
Commissioners.