

Decision No. 27896.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the application
of County of Orange for an order
authorizing the construction and
maintenance of a crossing over
the tracks and right of way of
Southern Pacific Railroad Company
and The Pacific Electric Railway
Company at El Moro, near the
Westerly City Limits of the City
of Newport Beach.

ORIGINAL

Application No. 19273.

BY THE COMMISSION:

O R D E R

The County of Orange, on January 22nd, 1934, applied for authority to construct a public road at separated grades under the Newport Beach Line track of Pacific Electric Railway Company in the vicinity of El Moro Station in said county, State of California. Pacific Electric Railway Company, on February 10, 1934, signified, in writing, that it has no objection to the construction of said undergrade crossing. A copy of the agreement covering the terms of construction and maintenance and the division of costs thereof has been filed in this proceeding. Applicant proposes to construct its roadway through an existing timber bridge or trestle of the railroad with a vertical clearance of nine (9) feet. It is contemplated that said crossing will be of a temporary nature and be used only for approximately one year.

Southern Pacific Company's right of way extends parallel to and immediately east of that of Pacific Electric Railway Company. There is no track crossing involved within Southern Pacific Company's property.

It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the undergrade crossing be constructed; and that the application should be granted,

IT IS HEREBY ORDERED that the County of Orange is hereby authorized to construct a public road at separated grades under the Newport Beach Line track of Pacific Electric Railway Company in the vicinity of El Moro Station, County of Orange, State of California, at the location as shown and substantially in accordance with the plans (Exhibit "A," Sheets 1 to 3, inclusive), attached to the application, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 6E-35.60-B.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for safe and convenient use of the public shall be borne in accordance with the terms of the agreement, dated December 1, 1933, filed herein and by reference made a part hereof.
- (3) Said undergrade crossing shall be constructed substantially in accordance with the plans (Exhibit "A") attached to the application.
- (4) Said undergrade crossing may be constructed with a vertical clearance of not less than nine (9) feet. All other clearances shall conform to the provisions of General Order No. 26-C of this Commission.
- (5) For the protection of vehicular traffic, applicant shall erect and maintain the various protective devices prescribed in said agreement dated December 1, 1933.
- (6) Applicant shall, at its sole expense, remove and effectively close undergrade crossing herein authorized within one year from the date hereof, unless further time is granted by subsequent order.
- (7) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the

completion of the installation of said crossing
and of its compliance with the conditions hereof.

- (8) The authorization herein granted shall lapse
and become void if not exercised within one (1)
year from the date hereof unless further time
is granted by subsequent order.

The authority herein granted shall become effective
on the date hereof.

Dated at San Francisco, California, this 28th
day of May, 1934.

CL Seaver
John Whelan
W J Lee
MB King
Arthur M. ...

Commissioners.