

Decision No. 28814

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the CITY OF SAN BERNARDINO for)
an order authorizing the construc-)
tion of a grade crossing at)
Massachusetts Avenue.)

Application No. 20474

BY THE COMMISSION.

ORIGINAL

O R D E R

The City Council of the City of San Bernardino, County of San Bernardino, State of California, on April 8, 1936, applied for authority to construct a public road known as Massachusetts Avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company, in the said City of San Bernardino. The Atchison, Topeka and Santa Fe Railway Company, on April 24, 1936, signified, in writing, that it has no objection to the construction of said crossing at grade.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said tracks at the point mentioned and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the City Council of the City of San Bernardino, in the County of San Bernardino, State of California, is hereby authorized to construct Massachusetts Avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company, at the location more particularly described in the application and as shown by the maps (Sheets Nos. 1, 2 and 3) attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 2-79.0.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of The Atchison, Topeka and Santa Fe Railway Company. The Atchison, Topeka and Santa Fe Railway Company shall perform all actual work of constructing the crossing between lines two (2) feet outside of the outside rails.
- (3) The crossing shall be constructed of a width of not less than fifty (50) feet and at an angle of approximately fifty-two (52) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed equal or superior to type shown as standard No. 2 in General Order No. 72 of this Commission, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Two standard No. 4 wigwags (side-of-street type), as specified in General Order No. 75-A of this Commission, shall be installed at the sole expense of applicant, for the protection of said crossing of Massachusetts Avenue, Crossing No. 2-79.0. Said signals shall be equipped in such a manner as to give warning of the approach of a second train. The maintenance of these protective devices shall be borne by The Atchison, Topeka and Santa Fe Railway Company.
- (5) Applicant shall cause to be removed all trees, shrubs and other forms of vegetation to the extent that a clear view of said tracks may be had for a distance of not less than four hundred (400) feet in either direction from said Crossing No. 2-79.0, from a point on the proposed highway located one hundred and fifty (150) feet from the tracks.
- (6) 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.

(7) 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.

(8) 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, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 18th day of May, 1936.

M. B. Lewis
Leon White
W. J. Cas
Walter J. ...
John R. ...
COMMISSIONERS.