

Decision No. 28922

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the CITY OF NEWPORT BEACH, a munic-)
ipal corporation, for an order grant-)
ing permission to construct a grade)
crossing at Orange Street in the City)
of Newport Beach.)

Application No. 20554

BY THE COMMISSION.

ORIGINAL

O R D E R

The City Council of the City of Newport Beach, County of Orange, State of California, on May 13, 1936, applied for authority to construct a public street known as Orange Street at grade across the track of Pacific Electric Railway Company, in the said City of Newport Beach. Pacific Electric Railway Company, on June 1, 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 track 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 Newport Beach, in the County of Orange, State of California, is hereby authorized to construct Orange Street at grade across the track of Pacific Electric Railway Company at the location more particularly described in the application and as shown by the maps (Exhibits "B" and "C") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 6E-35.91.
- (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 rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by Pacific Electric 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 Pacific Electric Railway Company. Pacific Electric Railway Company shall perform all actual work of constructing the crossing between lines two (2) feet outside of the rails.
- (3) The crossing shall be constructed of a width of not less than thirty (30) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than five (5) 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) A standard No. 3 wigwag and one standard No. 1 crossing sign, 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 Orange Street, crossing No. 6E-35.91. The maintenance of these protective devices shall be borne by Pacific Electric Railway Company.
- (5) 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.
- (6) 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.
- (7) 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.

IT IS HEREBY FURTHER ORDERED that Pacific Electric Railway Company is hereby exempted from compliance with the provisions of section VI (e) of this Commission's General Order No. 75-a, at the grade crossing of Orange Street with the Pacific Electric Railway Company's Newport line, crossing No. 6E-35-91.

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

Dated at San Francisco, California, this 22d day of June, 1936.

M. B. Lewis
Dean Whittell
M. G. Linn
Walter W. Warr.
G. A. R. R. M.