

Decision No. 29164

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the PEOPLE OF THE STATE OF CALIFORNIA,
on relation of the DEPARTMENT OF
PUBLIC WORKS, for an order authorizing
the construction of a crossing at grade
of the state highway and the tracks of
the Pacific Electric Railway, at a point
one quarter mile westerly of Valencia
Avenue, in the County of Orange, State
of California.

Application No. 20733

BY THE COMMISSION.

ORIGINAL

O R D E R

The People of the State of California, on relation of the Department of Public Works, on August 28, 1936, applied for authority to construct a public road known as Road VII-Ora-176-A at grade across the track of the La Habra line of the Pacific Electric Railway Company, at a point one quarter mile westerly of Valencia Avenue in the County of Orange, State of California. Pacific Electric Railway Company, on September 17, 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 People of the State of California, on relation of the Department of Public Works, are hereby authorized to construct Road VII-Ora-176-A at grade across the track of the La Habra line of the Pacific Electric Railway Company, at the location more particularly described in the application and as shown by the

map (Exhibit "A") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 6C-27.49.
- (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. 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 forty (40) feet and at an angle of approximately thirty (30) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed equal or superior to type shown as standard No. 3 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 Road VII-Ora-176-A, Crossing No. 6C-27.49. The maintenance of these protective devices shall thereafter be borne by Pacific Electric Railway Company.
- (5) Pacific Electric Railway Company is hereby exempted from compliance with the provisions of Section VI (e) of the Commission's General Order No. 75-A, at the said crossing of Road VII-Ora-176-A with its La Habra line, Crossing No. 6C-27.49.
- (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 5th day of October, 1936.

W. B. Ham
Simon O'Connell
W. J. Cunniff
W. H. ...
Frank R. Miller

Commissioners.