

Decision No. 29717 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
County of Orange for an order author-
izing the construction and maintenance
of a crossing over the tracks and right
of way of Pacific Electric Railway Com-
pany at the intersection of Valencia
Avenue, in the County of Orange.

ORIGINAL

Application No. 20940.

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of Orange, State of California, on December 24th, 1936, applied for authority to construct a public road, known as Valencia Avenue, at grade across the track of Pacific Electric Railway Company, in the County of Orange. Pacific Electric Railway Company, on January 8th, 1937, 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 Board of Supervisors of the County of Orange, State of California, is hereby authorized

to construct Valencia Avenue at grade across the track of 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-27.80.
- (2) The entire expense of constructing the crossing shall be borne in accordance with the terms of an agreement between applicant and Pacific Electric Railway Company, dated November 24th, 1936. 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 outside rails.
- (3) The crossing shall be constructed of a width of not less than thirty (30) feet and at an angle of approximately eighty (80) 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. 2 in our General Order No. 72; 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 Valencia Avenue (Crossing No. 6C-27.80). 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

Valencia Avenue with its La Habra Line, (Crossing No. 6C-27.80).

- (6) Prior to the beginning of actual construction of the crossing herein authorized, the County of Orange shall file with this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed, instituting all necessary steps to legally abandon the existing public grade separation identified as Crossing No. 6C-27.69-A. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said Crossing No. 6C-27.69-A shall be legally abandoned and the structure removed. The entire expense of removing this structure shall be borne by the applicant.
- (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.
- (9) 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 26th day of April, 1937.

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

Commissioners.