

Decision No. 14736

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
The People of the State of California
in relation to the California Highway
Commission for an order authorizing the
construction of crossing over the
Atchison, Topeka & Santa Fe Ry. at
Carlsbad, San Diego County, State of
California.

) Application 10849.

BY THE COMMISSION:

O P I N I O N

This is an application by California Highway Commission for permission to construct a crossing over the tracks of The Atchison, Topeka and Santa Fe Railway Company, hereafter called the Santa Fe, at Cardiff, San Diego County, as more particularly shown on Exhibit "A" attached to and made a part of the application.

Construction of the proposed over crossing will not eliminate the existing grade crossing as the latter is at a considerable distance from the former and is necessary for local travel.

The Santa Fe agrees to the construction of the proposed crossing, and to the plans attached to the application as Exhibit "A."

Applicant and the Santa Fe have agreed as to a division of the cost of constructing the overhead crossing as shown by letter of March 17th, 1925, from Mr. Paul Fratessa, Attorney for California Highway Commission, as follows:

"The State is to construct the overhead structure, and one-half the cost thereof is to be

reimbursed by the Santa Fe. The Santa Fe is to pay the cost of grading for their tracks and moving their present passing track from its present location at our (Highway) Sta. 479 + 70 to a position adjacent to and on the easterly side of the present main track. The railroad agrees that material excavated for this new track will be hauled and placed by them in the highway embankment approaching the overhead structure, the cost of completing the approach fills and of paving same to be paid by the State."

This agreement is corroborated by letter dated March 14, 1925, from Mr. W. K. Etter, General Manager of The Atchison, Topeka and Santa Fe Railway Company - Coast Lines. The estimated cost of the grade separation is as follows:

	<u>State</u>	<u>Santa Fe</u>
Cost of overhead structure per estimate made before detailed plans were completed	\$23,000.	\$28,435.
Moving side track and excavating material	--	9,614.
Completing approaches and paving same	17,000.	19,250.
	<u>\$40,000.</u>	<u>\$57,299.</u>

O R D E R

People of the State of California in relation to the California Highway Commission having on February 18th, 1925, made application for an order authorizing the construction of an overhead crossing over the tracks of The Atchison, Topeka and Santa Fe Railway Company at Carlsbad, San Diego County, State of California, as shown more particularly on the map (Exhibit "A") attached to the application, both parties having agreed that the application be granted and having further agreed as to the division of cost of constructing said overhead crossing, and it appearing to the Commission that a public hearing is not necessary and that this application should be granted under certain conditions hereinafter specified:

IT IS HEREBY ORDERED, that California Highway Commission be and it is hereby authorized to construct a state highway over the track of The Atchison, Topeka and Santa Fe Railway Company at Carlsbad, San Diego County, in accordance with the plan attached to the application and marked "Exhibit "A", subject to the following conditions:

1. The crossing shall be constructed at Highway Commission Engineer Station 478 + 30⁶⁹ on road designated as Road VII - S.D.-2-B. and at an angle of 45° with the tracks of The Atchison, Topeka and Santa Fe Railway Company.

2. Clearances at said overhead crossing shall be in conformity with those specified in this Commission's General Order No. 26.

3. The cost of constructing said crossing shall be apportioned between the Highway Commission and The Atchison, Topeka and Santa Fe Railway Company in accordance with the agreement hereinbefore set forth in the opinion of this order.

4. Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

5. If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

6. 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, the public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 4th
day of April, 1925.

H. H. Bunnidge

C. A. Seavey

Egerton Shore

George D. Squires

Commissioners