

Decision No. 15810.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the application of
The People of the State of Californ-
ia on relation of the California High-
way Commission, for an order author-
izing the construction of a State High-
way crossing under the tracks of the
Atchison, Topeka & Santa Fe Railroad,
near Oceanside, San Diego County,
California.

ORIGINAL

Application No. 12278.

BY THE COMMISSION:

O R D E R

The People of the State of California on relation of the California Highway Commission filed the above entitled application with this Commission on the 12th day of December, 1925, asking for authority to construct a public State Highway crossing under the tracks of The Atchison, Topeka and Santa Fe Railway Company near Oceanside, San Diego County, as hereinafter set forth. The Highway Commission and The Atchison, Topeka and Santa Fe Railway Company have entered into agreements covering the apportionment of costs of separating the grades at this crossing and of maintaining the completed structure thereafter. Copy of the agreement covering the construction of the subway, properly executed, is attached to the application as Exhibit "B".

It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is in

the interests of public convenience and safety that the subway be constructed; that said agreement entered into by the interested parties appears equitable, and that this application should be granted, subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the California Highway Commission to construct a State Highway crossing under the tracks of The Atchison, Topeka and Santa Fe Railway Company near Oceanside, San Diego County, at the location shown by the plan (Exhibit "A") attached to the application and subject to the following conditions, namely:

(1) Said undergrade crossing shall be constructed at Highway Commission Engineer's Station 46+15.14 (A.T. & S.F.Ry.Co. Eng.Sta. 2575+34.8) on road designated as Road VII-S.D.-2-C., at an angle of 45 degrees with the tracks of The Atchison, Topeka and Santa Fe Railway Company and shall have a forty-foot clear distance measured at right angles between abutment walls.

(2) Clearances at said undergrade crossing shall be in conformity with those specified in this Commission's General Order No. 26-a.

(3) Said under grade crossing shall be made and constructed in accordance with plans and specifications to be prepared and approved by the parties to this proceeding which plans shall then be subject to the approval of this Commission.

(4) The cost of constructing said undergrade crossing shall be apportioned between the California Highway Commission and The Atchison, Topeka and Santa Fe Railway Company, in accordance with that certain agreement attached to the application and marked Exhibit "B".

(5) The cost of maintaining said undergrade crossing shall be borne specifically in accordance with an agreement to be hereafter entered into by the two interested parties, a certified executed copy of which shall be filed with this Commission for approval within ninety (90) days of the date of this order. If the two interested parties are unable to reach an agreement within such time limit, then this Commission shall, by supplemental order, apportion the costs of maintaining said undergrade crossing between the applicant and the railway company.

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

(7) If said undergrade 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.

(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, 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 29th
day of December, 1925.

W. B. Brown
C. C. Leamy
George D. Squires

Leon Whitcomb
Commissioners.

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