

Decision No. 16748.

OPINION

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 California Highway Commission, for an order authorizing the construction of a State highway crossing over the tracks of The Atchison, Topeka and Santa Fe Railroad, at Del Mar, San Diego County, California.

Application No. 12,744.

Paul F. Fratessa, for applicant;
W. W. Kelly, for The Atchison, Topeka and Santa Fe Railway Company;
W. B. Holmes and E. M. Claussen, for South Coast Land Company.

BY THE COMMISSION:

O P I N I O N

In the above entitled proceeding authority is sought to construct a State highway crossing over the tracks of The Atchison, Topeka and Santa Fe Railway Company (for convenience sometimes hereinafter referred to as the Santa Fe), at Del Mar, San Diego County, California.

A public hearing was held in this matter before Examiner Williams at Del Mar, May 7, 1926.

The State Highway Commission is now carrying out an extensive program of improving the State highway between Los Angeles and San Diego by improving the alignment, repaving and eliminating grade crossings. The improvement proposed in this proceeding is part of this comprehensive program. The plan and profile of the

proposed change in the State highway, which involves the grade separation now under consideration, is shown on Exhibits "A" and "B" attached to the application.

The present State highway crosses the Santa Fe tracks at Del Mar at grade. This is a hazardous grade crossing having a steep grade of approach on the south side of the track. The view at this crossing is seriously impaired. In this proposed improvement it is not planned to close the existing grade crossing when the overgrade structure is effected, because it is claimed that it will be necessary to continue this grade crossing to accommodate the local traffic in getting to and from the beach and business center of Del Mar, as well as the railroad station. This existing grade crossing is located about 2000 feet to the south of the proposed overgrade structure, and that portion of the existing highway located within the limits of this proposed change in the State highway will be taken over and maintained by the County when the new work is finished. It is evident that when the proposed change in the highway is effected, practically all of the through vehicular traffic will follow the new line, as it will afford a shorter distance with improved line and grade.

In this application it is proposed to close the Twenty-first Street crossing when the overgrade crossing is constructed.

Twenty-first Street now crosses the Santa Fe tracks at grade at a point about 500 feet to the north of the proposed overgrade crossing. This highway accommodates local traffic to the sparsely settled district to the east of the railroad. It is planned to afford a connection between Twenty-first Street and the new State highway along the east side of the track. For the traffic which now uses the Twenty-first Street crossing, traveling south toward San Diego, this proposed change will be of material benefit

as it will shorten the distance and eliminate two grade crossings, as compared to the course now available. The Twenty-first Street traffic traveling north can either cross the railroad at this proposed overgrade, or travel on roads to the east of the track and cross the railroad at Encinitas, or reach the State highway at Carlsbad where the State highway is located along the east side of the railroad.

Applicant and Santa Fe representatives have each agreed to bear fifty percent of the cost of the structure supporting the highway over the railroad, which is estimated to cost \$37,500. Santa Fe also agreed that if the Twenty-first Street crossing is closed it will pay an additional \$10,000. to defray the expense of constructing a connection between Twenty-first Street and the new State highway on the east side of the track.

The plan of the proposed overgrade crossing provides for the two existing tracks and one additional to meet future needs. The plan also conforms with the Commission requirements with respect to clearances.

There was no objection offered to the granting of this application, including the closing of the Twenty-first Street crossing. From the evidence at hand it appears that this application should be granted and that the agreed plan of division of cost between the parties should be approved. It also appears that if and when the proposed grade separation is effected the existing grade crossing at Twenty-first Street should be abandoned and effectively closed, and the order herein will so provide.

O R D E R

The People of the State of California on relation to the California Highway Commission, having made application for an order

authorizing the construction of an overgrade crossing over the tracks of The Atchison, Topeka and Santa Fe Railway Company at Del Mar in the County of San Diego, California, as shown more particularly on map (Exhibit "B") attached to the application, hearing having been held on the above entitled application, and the matter now standing submitted, ready for decision; for reasons set forth in the foregoing opinion.

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

(1) The crossing shall be constructed at Highway Commission's engineer station 126+10.29 on road designated as road VII. S.D.2-A (The A. T. & S. F. Railroad Company engineer station 1570+81.3) and at an angle of 45° with the track of The Atchison, Topeka and Santa Fe Railway Company.

(2) The clearances at said overgrade crossing shall be in conformity with those specified in this Commission's General Order No. 26-A.

(3) Said overgrade 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 the structure carrying the highway over the railroad shall be borne equally by applicant and The Atchison, Topeka and Santa Fe Railway Company in addition to which said railway company shall pay the sum of Ten Thousand Dollars (\$10,000) to cover the cost of constructing a connecting road on the east side of the track from Twenty-first Street to the new location of the State highway.

(5) The cost of maintaining said over-grade 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 cost of maintaining said overgrade crossing between the applicant and the railway company.

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

(7) 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.

(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.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 19th day of May, 1926.

H. B. ...
C. S. ...
Ernest ...
Leon Whitell