

Decision No. 17445

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 under the tracks of the  
Atchison, Topeka & Santa Fe Railway,  
near Las Flores, San Diego County,  
California.

ORIGINAL

Application No. 13153.

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 3rd day of September, 1926, asking for authority to construct a public highway at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company near Las Flores, in the County of San Diego, State of California, as hereinafter set forth. Applicant and The Atchison, Topeka and Santa Fe Railway Company have entered into an agreement, dated August 14th, 1926, subject to the approval of this Commission, covering the construction, maintenance and division of costs thereof between the parties. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is in the interest of public convenience and necessity that this separation of grades be constructed as specified in said agreement 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 People of the State of California on

relation of the California Highway Commission to construct a public highway at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company near Las Flores in the County of San Diego, State of California, substantially in accordance with the map and plan and in accordance with the terms of the agreement, dated August 14th, 1926, both of which are attached to the application and which are hereby approved.

Said undergrade crossing shall be constructed subject to the following conditions:

(1) Said undergrade crossing shall be constructed with clearances conforming to provisions of this Commission's General Order No. 26-a.

(2) The cost of constructing and maintaining said undergrade crossing shall be apportioned between the parties to this proceeding in accordance with the agreement (Exhibit B) hereinbefore approved.

(3) Applicant, California Highway Commission, shall, within ninety (90) days from the date of this order, file with this Commission a certified copy, duly executed, of the agreement between the interested parties relative to the construction and maintenance of said crossing.

(4) Applicant shall, before commencement of construction, file with this Commission a complete set of detail plans of the proposed grade separation.

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

(6) 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.

(7) 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 11<sup>th</sup> day of October, 1926.

Hubert B. ...  
...  
...  
...

Commissioners.