LRK: IR

Decision No. 18104



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 two State highway crossings under the tracks of the Atchison, Topeka and Santa Fe Railway Company, at Serra, Orange County, California.

Application No. 13385.

9

BY THE COMMISSION:

## <u>order</u>

The People of the State of California, on relation of the California Highway Commission, filed the above entitled application with this Commission on the 15th day of December, 1926, asking for authority to construct two state highway crossings under the tracks of The Atchison, Topeka & Santa Fe Railway Company at Serra, Orange County, California, as hereinafter set forth. Applicant and The Atchison, Topeka & Santa Fe Railway Company have entered into an agreement, dated December 27th, 1926, subject to the approval of this Commission, covering the construction, maintenance and division of cost 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 these separations of grades be constructed and costs thereof apportioned 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

-1-

relation of the California Highway Commission to construct two state highway crossings under the tracks of The Atchison, Topeka & Santa Fe Railway Company at Serra, County of Orange, State of California, substantially in accordance with the may and plan filed with the application and in accordance with the terms of the agreement, dated December 27th, 1926, and filed on March 14th, 1927, both of which are hereby approved.

GPR

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

(1) Said undergrade crossings 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 crossings shall be apportioned between the parties to this proceeding in accordance with said agreement of December 27th, 1926, 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 undergrade crossings.

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

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

(6) If said undergrade crossings 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.

-2-

10

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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  $2\int C day$ of March, 1927.

Commissioners.

11