

ORIGINAL

Decision No. 18438.

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,  
 near Galivan, Orange County, California.

Application No. 13751.

BY THE COMMISSION:

ORDER

The People of the State of California, on relation of the California Highway Commission, filed the above entitled application with this Commission on the 4th day of May, 1927, asking for authority to construct a State Highway known as Route 2 at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company near Galivan, Orange County, California, as hereinafter set forth. The California Highway Commission and The Atchison, Topeka and Santa Fe Railway Company have entered into an agreement dated February 21, 1926, covering the construction of said overhead crossing, wherein the cost of the grading, concrete bridge abutments and bridge work is divided equally between the parties and the Highway Commission is to bear the entire cost of paving the new highway. 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 the separation of grades be constructed at the point mentioned in this application, 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 State Highway at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company at Highway Engineer Station No. 35+23<sub>+</sub> near Galivan, Orange County, California, and as shown by the map (Exhibit "A") attached to the application.

The above crossing shall be identified as Crossing No. 2-191.8-A.

Said overhead crossing shall be constructed subject to the following conditions and not otherwise:

(1) Said overhead crossing shall be constructed at The Atchison, Topeka & Santa Fe Railway Company's Engineer Station 1725+59.83 and at an angle of approximately 32 degrees to the railroad.

(2) Said overhead crossing shall be constructed with clearances conforming to provisions of this Commission's General Order No. 26-C.

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

(4) If said overhead 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.

(5) 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.

IT IS HEREBY FURTHER ORDERED that the cost of constructing and maintaining said overhead crossing shall be borne specifically in accordance with that certain agreement entered into between the interested parties on February 21, 1926, copy of which is attached to the application, providing, however, that the cost of maintenance as specified in Section 1, on page 2, of said agreement shall apply only to the existing structure during its physical life and shall not apply to any alteration increasing the capacity of said overhead crossing; and, provided further, that the Railroad Company shall maintain proper drainage ditches under said overhead crossing.

IT IS HEREBY FURTHER ORDERED that a certified copy of said agreement so modified shall be filed with this Commission by applicant within sixty(60) days from the date of this order.

The authority herein granted shall become effective twenty(20) days from the date hereof.

Dated at San Francisco, California, this 1st day of June, 1927.

H. R. Brundage  
C. S. ...

Thomas S. ...  
Commissioners.