

Decision No. 19330

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
 the County of Orange for an Order
 authorizing the construction, instal-
 lation and maintenance of a highway
 known as Morse Avenue across the
 right of way and under the tracks of
 The Atchison, Topeka and Santa Fe
 Railway Company near the station of
 Atwood, in Orange County, California.

Application No. 14307.

BY THE COMMISSION:

O R D E R

Board of Supervisors of the County of Orange, State of California, filed the above entitled application with this Commission on the 29th day of December, 1927, asking for authority to construct a public highway under a track of the Clinda Branch Line of The Atchison, Topeka and Santa Fe Railway Company, as hereinafter set forth. Said The Atchison, Topeka and Santa Fe Railway Company has signified by letter that it has no objection to the construction of said undergrade crossing and 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 subway be constructed; that an agreement has been entered into between the interested parties relative to division of cost of construction and maintenance of said grade separation and that this application should be granted, subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED that the County of Orange and The Atchison, Topeka and Santa Fe Railway Company be and they are

hereby authorized to construct an undergrade crossing under a track of Clinda Branch Line of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of the station of Atwood, substantially in accordance with the plans attached to this application, said crossing to be constructed at a location as shown by the map attached to the application, and subject to the following conditions, namely:

(1) Said crossing shall be constructed, except as hereinafter specified, substantially in accordance with the plans attached to the application.

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

(3) The cost of construction of said undergrade crossing, except paving of the highway, shall be borne as follows: One thousand (1,000) Dollars by The Atchison, Topeka and Santa Fe Railway Company and balance of total cost by applicant. The cost of paving the highway through the crossing shall be borne by applicant, all in accordance with an agreement heretofore entered into between the interested parties.

(4) Applicant shall, within thirty (30) days from the date hereof, file with this Commission a certified copy or copies of the agreement or agreements between the interested parties, relative to division of cost of construction and maintenance of said crossing. Said agreement shall be subject to the approval of this Commission.

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

The Commission reserves the right to make such further orders relative to the location, construction, operation, mainte-

nance 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 6th day of February, 1928.

Leon Whitall

W. Seaver

Wm. J. ...

Thos. J. ...

W. J. ...
Commissioners.