

Decision No. 21108

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 Department of Public Works, Division of Highways, for an order authorizing the construction of a State highway crossing under the tracks of the Atchison, Topeka and Santa Fe Railway, at Glendora, Los Angeles County.

ORIGINAL

Application No. 15513

BY THE COMMISSION:

ORDER

The People of the State of California on relation of the Department of Public Works, Division of Highways, filed the above entitled application with this Commission on the 27th day of March, 1929, asking for authority to construct a public highway known as Road VII-L.A.-9-1 under the track of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of the City of Glendora. An agreement has been arrived at between applicant and The Atchison, Topeka and Santa Fe Railway Company relative to the division of cost of construction of said separated grade. The cost of construction is estimated to be \$119,000., of which 58 per cent will be borne by applicant and 42 per cent by the railway. 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 to provide a grade separation with said track 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 Department of Public Works, Division of Highways, to construct road VII-L.A.-9-1 under the track of the Atchison, Topeka and Santa Fe Railway Company substantially in accordance with and at the location as shown by the map (Exhibit A) attached to the application.

Said undergrade crossing shall be identified as Crossing No.2-112.5-B, and shall be constructed subject to the following conditions and not otherwise:

(1) Said undergrade crossing shall be constructed with clearances in accordance with the provisions of this Commission's General Order No.26-C and No.64-A.

(2) The cost of construction and maintenance of said undergrade crossing shall be borne in accordance with an agreement to be hereinafter entered into by the interested parties, a fully executed and certified copy of which shall be filed with this Commission, for its approval, within sixty (60) days from the date hereof.

(3) Applicant shall, before commencement of construction, file with this Commission a complete set of detailed plans of the proposed grade separation. Said detailed plans to be approved by the Atchison, Topeka and Santa Fe Railway Company.

(4) The existing public crossing of Alosta Street located approximately eight hundred (800) feet west of the grade separation authorized herein, and designated as Crossing No.2-112.7, shall be legally abandoned and effectively closed to public use and travel upon the completion of the grade separation authorized herein.

(5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing of the completion of the instal-

lation of said undergrade crossing and the closing of Crossing No. 2-112.7.

(6) If said undergrade 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 undergrade 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 16th day of May, 1929.

Thos D. Lewis
C. Seavey
Edmund West
Leon Whipple
Commissioners.