

Decision No. 21841.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of SAN DIEGO COUNTY, California to establish a road crossing over the Atchison, Topeka and Santa Fe Railroad Company's tracks at Buena, California.

ORIGINAL

Application No. 16058.

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of San Diego, State of California, filed the above entitled application with this Commission on the 1st day of November, 1929, asking for authority to construct a County Road at grade across the Escondido Branch of The Atchison, Topeka and Santa Fe Railway Company at Buena, as hereinafter set forth. Said railroad has signified by letter that it has no objection to the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing 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 Board of Supervisors of the County of San Diego, State of California, to construct a County

Road at grade across the Escondido Branch of The Atchison, Topeka and Santa Fe Railway Company at the location shown on the map attached to the application.

The above crossing shall be identified as Crossing No. 2E-12.4.

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

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of The Atchison, Topeka and Santa Fe Railway Company.

(2) The crossing shall be constructed of a width not less than twenty-five (25) feet and at the angle shown on map attached to the application and with grades of approach not greater than six (6) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

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

(4) The existing crossing located approximately three hundred (300) feet east of the one authorized herein shall be abandoned and effectively closed upon the opening to the public of the crossing herein authorized.

(5) 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.

(6) 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 29th day of November, 1929.

Thos B. Lovitt

C. Seaver

Leon A. Wheeler

Commissioners.