

**ORIGINAL**

Decision No. 23386.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

<p>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  an undergrade crossing under the tracks  of The Atchison, Topeka &amp; Santa Fe  Railway at Alray, San Bernardino County.</p>
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Application No. 17147.

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, Division of Highways, on January 20, 1931, applied for authority to construct a state highway known as Road VIII-SBd-31-2 at separated grades over the track of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Alray, County of San Bernardino, State of California. The Atchison, Topeka and Santa Fe Railway Company on January 28, 1931, signified in writing that it has no objection to the construction of said undergrade crossing.

It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the undergrade crossing be constructed and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that The People of the State of California, on relation of the Department of Public Works, Division of Highways, is hereby authorized to construct a state

highway known as Road VIII-SBd-31-B at separated grades under the track of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Alray, County of San Bernardino, State of California, at the location as shown by the map (Exhibit "A") attached to the application, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 2-59.6B.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for the safe and convenient use of the public shall be borne in accordance with an agreement to be entered into by and between Applicant and The Atchison, Topeka and Santa Fe Railway and to be approved by this Commission, a certified copy of which shall be filed within ninety (90) days after the date hereof. Should said agreement not be filed within the above time and further time not be granted by subsequent order, said costs will be apportioned by supplemental order herein.
- (3) Applicant shall file, for approval, within ninety (90) days from the date hereof and prior to the commencement of construction, a set of plans for said crossing, which plans shall have been approved by the interested parties.
- (4) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (5) Upon the opening to traffic of the separation herein authorized, the existing public crossing of the state highway located about three-hundred (300) feet west of said separation shall be legally abandoned and effectively closed to public use and travel.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (7) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.

The authority herein granted shall become effective

on the date hereof.

Dated at San Francisco, California, this 9th day  
of February, 1931.

Oliver

Leon Cowherd

M. A. Lee

M. B. Harris

Fred G. Stewart

Commissioners.