

Decision No. 23740

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) Application
 order authorizing the relocation and) No.17273
 reconstruction of an overhead crossing)
 over the tracks of the San Diego &)
 Arizona Railway, one half mile west of)
 Jacumba, San Diego County.)

Frank B. Durkee, of the Department of Public Works,
 Division of Highways, for Applicant.

R. G. Dillworth and J. R. Lowe, for San Diego &
 Arizona Railway, Protestant.

BY THE COMMISSION -

OPINION**ORIGINAL**

The People of the State of California, on relation of the Department of Public Works, Division of Highways, have petitioned the Railroad Commission for an order authorizing the relocation and reconstruction of an overhead crossing, known as Jacumba overhead crossing, over the main line of the San Diego & Arizona Railway Company, in the vicinity of Jacumba, County of San Diego, State of California.

A public hearing on this application was conducted by Examiner Handford at Los Angeles, since which the matter has been duly submitted and it is now ready for decision.

The applicant in its petition requested that this Commission make an order allocating the cost of the relocation of this structure. At the hearing, testimony was presented by the applicant for the purpose of showing that the San Diego & Arizona Railway Company should bear a portion of the cost. The railway did not protest the granting of the application, provided it was not called upon to bear any of the costs of relocation and reconstruction.

The case was submitted upon the filing of concurrent briefs, to give the parties an opportunity to submit authorities supporting their respective contentions.

On May 19, 1931, the applicant, in writing, advised the Commission that it was willing to bear the entire cost of the proposed relocation and reconstruction. Similar advice was also sent to the railroad.

It appears to the Commission that the application should be granted and it will be so ordered.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, Division of Highways, are hereby authorized to relocate and reconstruct a public overhead crossing on highway known as Road VII - S.D.-12-C at separated grade over the main line track of San Diego & Arizona Railway Company, in the vicinity of Jacumba, County of San Diego, State of California, at the location more particularly described in the application and substantially in accordance with and as shown by the plan (Exhibit A) attached to the application, subject to the following conditions:

1. The above crossing shall be identified as Crossing No.36-92-0-A.
2. The entire expense of constructing the crossing in good and first class condition for safe and convenient use of the public shall be borne by applicant .
3. Applicant shall, within ninety (90) days from the date hereof, file with this Commission a certified copy of an agreement between the interested parties relative to the division of cost of construction and maintenance of said grade separation; said agreement shall be subject to the approval of this Commission.
4. Applicant shall file, 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.

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

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 of this Commission.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 1st day of June, 1931.

C. A. ...
Leon ...
M. A. ...
M. B. ...
Fred G. ...
COMMISSIONERS.