Decision No.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application of SAN DIEGO COUNTY, CALIFORNIA, for permission to construct Tamarack Avenue at grade across the tracks of The Atchison, Topeka, and Sante Fe Railway Company near Carlsbad, San Diego County, California.

) Application No. 2513.

Decision No. 364

By the Commission,

## $O \underline{R} \underline{D} \underline{E} \underline{R}$ .

SAN DIEGO COUNTY, CALIFORNIA, having on August 21, 1916, filed with the Commission an application for permission to construct Tamarack Avenue at grade across the tracks of The Atchison, Topeka, and Sante Fe Railway Company near Carlabad, San Diego County, California, as hereinefter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary permission has been granted by The Atchison, Topeka, and Sante Fe Railway Company for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with the tracks of The said Atchison, Topeka, and Sante Fe Railway Company, and that this application should be granted subject to the conditions hereinafter specified.

IT IS HEREBY ORDERED, That permission be hereby granted San Diego County, California, to construct Tamarack Avenue at grade across the tracks of The Atchison, Topeka, and Sante Fe Reilway Company near Carlsbad, Sen Diego County, California, as shown by the map attached to the application: said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing in good and first-class condition for the safe and convenient use of the public shall be borne by applicant.

(2) The expense of maintaining it thereafter shall be

75

borne by the Railroad Company for that portion between its rails and to a distance of two (2) feet outside thereof. The applicant shall maintain the crossing up to within two (2) feet of the rails.

(3) Said crossing shall be constructed of a width of not less than twenty-four (24)feet, with grades of approach not exceeding four (4) percent; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(4) the crossing known as the McKnight crossing shall be closed to public travel.

(5) 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 convonience and necessity demand such action.

Deted at San Francisco. California. this 14th day of <u>September</u>, 1916.

Commissioners.

-2-