

Decision No. 28802.

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, for an order authorizing the construction of a State highway crossing at grade over the tracks of the San Diego and Arizona Railway, Chula Vista Branch,  $4\frac{1}{2}$  miles north of the International Boundary, in the County of San Diego, California.

Application No. 19359.

BY THE COMMISSION:

ORDER OF DISMISSAL

In the above entitled proceeding the Department of Public Works of the State of California seeks authority to construct a state highway at grade across a privately owned track in San Diego County. In the application it is alleged that this track is owned and operated by the San Diego and Arizona Railway. On investigation, however, it develops that this is a privately owned track, constructed to serve a sand and gravel plant, and that there is no common carrier operation over it. This being the case it appears proper that the application should be dismissed. This plan of procedure has been discussed with applicant and meets with its approval, therefore,

IT IS HEREBY ORDERED that this application be and the same is hereby dismissed without prejudice.

Dated at San Francisco, California, this 26<sup>th</sup> day of March, 1934.

Leon Whitell  
M. B. Harris  
Commissioners.