

ORIGINAL

Decision No. 27869.

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 crossing at separated grades of the State Highway and the tracks of The Atchison, Topeka and Santa Fe Railway Company near the southerly city limits of the City of Colton, County of San Bernardino, State of California.

Application No. 19864.

BY THE COMMISSION:

ORDER

The People of the State of California, on relation of the Department of Public Works, Division of Highways, on March 7th, 1935, applied for authority to construct a State Highway, known as Road VIII-SBd-43-Col., at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Colton, County of San Bernardino, State of California.

In the application it is urged that upon the completion of the proposed separation, the existing grade crossing at Congress Street (Crossing No. 2B-3.9), located approximately two hundred feet south, be closed. The center line of Congress Street marks the boundary between the City of Colton and the unincorporated portion of San Bernardino County to the south.

The Atchison, Topeka and Santa Fe Railway Company, on March 20th, 1935, signified, in writing, that it has no objection to the construction of said undergrade crossing, provided the construction and maintenance costs are borne in accordance with an agreement

which is now being negotiated between the railroad and the applicant.

A field inspection of this matter has been made by the Commission's Engineering Department and its report shows that it will be impractical to maintain the existing grade crossing at Congress Street when the separation is completed, due to the fact that it would involve steep grades of approach, as the new highway will be in a cut of about nine feet at this point. Furthermore, this report contains the conclusion that, upon the completion of the proposed separation, a grade crossing at Congress Street would be of very little, if any, use to vehicular traffic. The investigation also included an interview with the officials of both the City of Colton and the County of San Bernardino. While neither of these public bodies has taken official action toward the closing of this crossing, no arguments were advanced which would tend to show public convenience and necessity for the crossing after the overhead is completed.

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-43-Col. at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Colton, 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. 2B-3.8-B.
- (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 the terms of an agreement to be entered into by and between applicant and The Atchison, Topeka and Santa Fe Railway Company and to be approved by this Commission, a certified copy of which shall be filed with the Commission 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 shall be apportioned by supplemental order herein.
- (3) Applicant shall file with the Commission, within ninety (90) days from the date hereof and prior to the commencement of construction, a set of plans for said separation, which plans shall have been approved by the interested parties.
- (4) Said separation shall be constructed with clearances conforming to the provisions of General Order No. 26-C of this Commission.
- (5) Prior to the beginning of actual construction of the separation herein authorized, applicant shall file with this Commission certified copies of appropriate ordinances or resolutions, duly and regularly passed by the Board of Supervisors of the County of San Bernardino and the City Council of the City of Colton, instituting all necessary steps to legally abandon and effectively close the existing public grade crossing at Congress Street and identified as Crossing No. 2B-3.9. Upon the completion of the separation herein authorized and upon its being opened to public use and travel, said crossing No. 2B-3.9 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 separation and of its compliance with the conditions hereof.
- (7) The authorization herein granted shall lapse and become void if not exercised within one 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 1st day  
of April, 1935.

Leon C. Kelly

M. A. Lee

M. B. Lewis

William R. ...

Frank R. ...

Commissioners