

Decision No. 28358.

ORIGINAL

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 con-
struction of a crossing at separated
grades of the State highway and the
tracks of The Atchison, Topeka and Santa
Fe Railway Company at Verdemon, San
Bernardino County, California.

Application No. 20169.

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on October 8, 1935, applied for authority to construct a public highway known as Road VIII-S.3d-31-A, at separated grades under the main line tracks of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Verdemon, County of San Bernardino, State of California. The Atchison, Topeka and Santa Fe Railway Company, on October 16, 1935, 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,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, are hereby authorized to construct a public highway known as Road

VIII-S.Bd-31-A, at separated grades under the main line tracks of The Atchison, Topeka & Santa Fe Railway Company in the vicinity of Verdemon, County of San Bernardino, State of California, at the location 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. 2-72.3-B.
- (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. That portion of the structure below the base of the bridge seats and paving shall be maintained by applicant. That portion of the structure above the base of the bridge seats and track and appurtenances thereto shall be maintained by The Atchison, Topeka and Santa Fe Railway Company.
- (3) Applicant shall file within one hundred and twenty (120) days from the date hereof a certified copy or copies of agreement or agreements entered into between the parties relative to the construction and maintenance of said grade separation.
- (4) Applicant shall file within one hundred and twenty (120) days from the date hereof and prior to the commencement of construction, a set of plans for said crossing showing clearances, grades of approach and alignment of said structure, which plans shall have been approved by The Atchison, Topeka and Santa Fe Railway Company.
- (5) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (6) Upon completion of the grade separation herein authorized and upon its being opened to public use and travel, applicant shall legally abandon and effectively barricade and close to public use and travel the grade crossing identified as Crossing No. 2-73.1, located approximately 4210 feet south of the crossing herein authorized. The Atchison, Topeka & Santa Fe Railway Company shall immediately thereafter perform all the work and assume all expense in connection with physically abolishing said grade crossing, including construction of any right of way fences.
- (7) 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.

- (8) 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 12th day of November, 1935.

Leon C. Wheeler

W. M. A. C.

M. H. H.

B. A. R.

Commissioners.