

Decision No. 28351.

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 construction of a crossing at separated grades of Route 58 of the State Highway and the tracks of The Atchison, Topeka and Santa Fe Railway at Java, in the County of San Bernardino, State of California.

Application No. 20195.

BY THE COMMISSION:

C R D E R

The People of the State of California, on relation of the Department of Public Works, on October 23, 1935, applied for authority to construct a public highway known as Road VIII-S. Bd-58-N, at separated grades over the main line tracks of The Atchison, Topeka and Santa Fe Railway Company, in the vicinity of Java, County of San Bernardino, State of California. The Atchison, Topeka and Santa Fe Railway Company, on October 31, 1935, signified, in writing, that it had no objection to the construction of said overgrade crossing.

It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the overgrade 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-58-N at separated grades over the main line track of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Java, 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. 2-586.6-A.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for safe and convenient use of the public shall be borne by applicant. The maintenance of the structure and the paving thereon shall be borne by applicant. The maintenance of the track and appurtenances thereto shall be borne by The Atchison, Topeka and Santa Fe Railway Company.
- (3) Applicant shall, within six (6) months from the date hereof, file with this Commission certified copy or copies of agreement or agreements entered into between the parties covering the terms of construction and maintenance of said grade separation, unless further time is granted by subsequent order.
- (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, alignment and grades of approach, 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 the 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 separation identified as Crossing No. 2-586.2-B, located approximately 225 feet east of the crossing herein authorized. The Atchison, Topeka and Santa Fe Railway Company shall immediately perform all the work and assume all expense in connection with physically abolishing said grade separation, 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 12<sup>th</sup> day of November, 1935.

Leon A. ...

W. A. ...

W. H. ...

W. R. ...

Commissioners.