

Decision No. 28749.

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 Palm Avenue and the tracks of  
The Atchison, Topeka and Santa Fe Railway  
Company, three miles south of Colton, in  
San Bernardino County, California.

Application No. 20449.

ORIGINAL

BY THE COMMISSION:

O R D E R

The People of The State of California, on relation of the Department of Public Works, on March 31, 1936, applied for authority to construct a public highway known as Palm Avenue, at separated grades over the main track of The Atchison, Topeka and Santa Fe Railway Company, in the vicinity of Colton, San Bernardino County. The Atchison, Topeka and Santa Fe Railway Company, on April 11, 1936, signified, in writing, that it has no objection to the construction of said overgrade crossing. The grade separation is to be financed through funds made available for the purpose by the Federal Government and the obligation of applicant with respect thereto extends only to the construction thereof. When completed the structure will revert to and be under the jurisdiction of the County of San Bernardino.

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 Palm Avenue at separated grades over the track of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Colton, County of San Bernardino, State of California, at the location more particularly described in the application and substantially in accordance with and as shown by the plan attached thereto, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 2B-5.4-A.
- (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.
- (3) Prior to the commencement of construction, applicant shall file satisfactory evidence that the County of San Bernardino will assume the maintenance of said structure.
- (4) Prior to the commencement of construction, applicant shall file a set of plans for said crossing, which plans shall have been approved by the interested parties.
- (5) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (6) Within six (6) months from the date of this Order, applicant shall file a certified copy of an agreement between the parties covering the terms of maintenance and construction of said crossing.
- (7) Upon completion of the crossing herein authorized and upon its being opened to public use and travel, the existing crossing (No. 2B-5.4-A), located approximately eighty (80) feet to the north of the one herein authorized, shall be legally abandoned and effectively closed to public use and travel.
- (8) 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.

- (9) 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 20<sup>th</sup> day of April, 1936.

M. B. Lewis  
Leon C. Whittell  
M. A. C. C.  
W. H. C. C.  
Frederic R. Deven

Commissioners.