

Decision No. 23642

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 4 of the State highway  
and the tracks of The Atchison, Topeka  
and Santa Fe Railway at Calwa, in the  
County of Fresno, State of California.

ORIGINAL

Application No. 20192.

BY THE COMMISSION:

SECOND SUPPLEMENTAL ORDER

In Decision No. 28372 in the above entitled application, the Department of Public Works was authorized to construct a grade separation of State Highway Route 4 with the main line track of The Atchison, Topeka and Santa Fe Railway Company at Calwa, Fresno County. Said grade separation, in so far as State highway traffic is concerned, replaced a grade crossing located at the same point, but it was necessary to retain a portion of the grade crossing to provide a connection to County road known as North Avenue. While said crossing is in effect that of a County road, it is actually located within the right-of-way of the State highway, and to simplify maintenance, the State has agreed to maintain the approaches in so far as they lie within the highway right-of-way. A modification of the order is requested in order to definitely fix the responsibility for maintenance.

It appears that this is a matter in which a public hearing is not necessary and that said order should be modified as requested, therefore,

IT IS HEREBY ORDERED that Condition (2) of the second

section of the Order in the Commission's Decision No. 28372, dated November 18, 1935, and appearing on page 3 of the original of said decision is hereby modified to read as follows:

- (2) The entire expense of constructing and thereafter maintaining that portion of said crossing outside of lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

In all other respects Decision No. 28372 shall remain in full force and effect.

The effective date of this Order shall be the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of April, 1937.

Walter H. Hays  
Leon A. Whelan  
Frank R. Hays  
Robert A. Hays  
Ray A. Hays  
Commissioners.