

Decision No. 29646.

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 a county highway and the tracks of the Atchison, Topeka and Santa Fe Railway, near Solana Beach, County of San Diego, State of California.

ORIGINAL

Application No. 21020.

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on February 15th, 1937, applied for authority to construct a public highway, known as XII-SD-Feeder Road, at separated grades over the main track of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Solana Beach, San Diego County. The Atchison, Topeka and Santa Fe Railway Company, on March 8th, 1937, 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 Diego.

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 XI-SD-Feeder Road, at separated grades over the track of The Atchison, Topeka and Santa Fe Railway Company, in the vicinity of Solana Beach, County of San Diego, 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. 2-242.7-A.
- (2) The entire expense of constructing the crossing for the safe and convenient use of the public shall be borne by applicant.
- (3) 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.
- (4) Said crossing shall be constructed with clearances conforming to the provisions of the Commission's General Order No. 26-C.
- (5) Within six (6) months from the date of this Order, applicant shall file a certified copy of an agreement between the parties, the terms of which shall cover the construction and maintenance of said crossing.
- (6) Prior to the commencement of construction, applicant shall file satisfactory evidence that the County of San Diego will assume the maintenance of said structure.
- (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 5th day
of April, 1937.

William H. Hays
Leon Campbell
Frank R. McMillan
Paul J. Kelley
Paul J. Kelley
Commissioners.