

Decision No. 13252

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of the People of the State of)
California in relation of the)
CALIFORNIA HIGHWAY COMMISSION for)
an order authorizing the construc-)
tion of a state highway crossing)
over the tracks of the Southern)
Pacific Railroad, a corporation,)
near Polaris, Nevada County,)
California.)

Application No. 9558

ORIGINAL

F. T. Finch, for Applicant.

F. W. Mielke, for Southern Pacific Company.

BY THE COMMISSION.

O P I N I O N

In the above entitled application the People of the State of California in relation of the California Highway Commission, ask for permission to construct a state highway crossing above the tracks of Southern Pacific Company near Polaris, Nevada County, California.

A public hearing was held on this application before Examiner Satterwhite in San Francisco, February 5, 1924.

The proposed grade separation is on a new state highway route known as the Auburn-Verdi Highway. In addition to carrying the highway over the railroad tracks, the proposed structure provides for spanning the Truckee River. The railroad at this

point is located along the south bank of the River. Applicant's plan provides room for the installation of two future tracks in addition to the two now existing. The central span of the viaduct, through which the river will flow, is supported by means of a reinforced concrete arch 179 feet in length, and on each side of the arch the viaduct is of concrete girder construction, supported by concrete columns. The total length of the elevated roadway is 398 feet. Applicant estimated that the viaduct as planned will cost \$72,252, and is willing to pay the entire cost of the structure as planned.

Southern Pacific Company appeared for the purpose of urging two changes in the proposed plan; namely, to require lowering the footing of the south abutment so as to eliminate possible future expense in the event additional tracks are constructed through the first span of the viaduct, and to require applicant to increase the clearance over the present tracks from 22 feet 4 inches to 22 feet 8 inches. The additional 8 inches over requirements of this Commission's General Order 26 is requested to allow for ballasting the tracks in the future. With respect to the first modification that the south abutment be lowered, the engineer for applicant testified that the Highway Commission was willing to bear the expense in carrying this footing down to hard rock or, in the event no hard rock was encountered, to carry the footing down to the level of the existing tracks; but as to increasing the clearance, applicant does not consider it should bear this additional expense; in view of the fact the proposed plan complies with this Commission's General Order with respect to clearance. It appears, therefore, that applicant and Southern Pacific Company are not in accord with respect to the allocation of the expense that would be incurred by changes suggested by Southern Pacific Company. Applicant's offer to bear the expense of lowering the footing of the south abutment to provide for future

tracks would seem very liberal, as a charge of this character has, in many instances, been assessed to the railroad . Upon consideration of all the evidence before it, this Commission is of the opinion that Southern Pacific Company should bear all expenses incurred by any changes it requires, from the proposed plans, to provide for future improvement of the railroad.

It is evident that public convenience and necessity require the granting of this application and it will be so ordered.

O R D E R

The People of the State of California in relation of the California Highway Commission having applied to this Commission for an order authorizing the construction of a crossing over the track of Southern Pacific Company near Polaris, Nevada County, public hearing having been held thereon, the Commission being apprised of the facts, the matter being under submission and ready for decision

IT IS HEREBY ORDERED, that the People of the State of California in relation of the California Highway Commission be and they are hereby authorized to construct a crossing over the tracks of Southern Pacific Company near Polaris, Nevada County, California, as shown on map (No.III Nev. 38-A) attached to the application; said crossing to be constructed subject to the following conditions, viz:

(1) The proposed grade separation shall be constructed in accordance with detail plans which shall be submitted to and have the approval of this Commission.

(2) The entire expense of constructing the proposed over-grade crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(3) In the event Southern Pacific Company require the modification of the proposed plans to provide for future improvement on the part of the railroad, any additional expense so incurred shall be borne by Southern Pacific Company.

(4) All the provisions of General Order No. 26 of this Commission which are appurtenant hereto shall be complied with.

(5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(6) If said crossing shall not have been installed within one year from date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

This order shall become effective ten (10) days after the making thereof.

Dated at San Francisco, California, this 13th day of ~~February~~ ^{March}, 1924.

C. A. Murray
H. A. B. ...
Dwight Martin
Ernest ...
J. J. ...
COMMISSIONERS.