

ORIGINAL

Decision No. 18388.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
the COUNTY OF SANTA CRUZ, for order
authorizing the construction of an
overhead crossing over the tracks of
the Southern Pacific Company at
Rincon, Santa Cruz County, California.)
Application No. 10816.

David C. Clark, Lloyd Bowman and Nicholas
Sinnout, for the Applicant.
F. W. Mielke, for Southern Pacific Company.

BRUNDIGE, COMMISSIONER:

O P I N I O N

In the above entitled proceeding the County of Santa Cruz applied to the Commission for authority to eliminate a hazardous grade crossing over the tracks of Southern Pacific Company's College Park and Santa Cruz branch, in the vicinity of Rincon, by substituting an overhead crossing to be located 3,500 feet north of the existing grade crossing. In order to accomplish this separation, it was proposed to relocate the county road between the two crossings and shift Southern Pacific Company's tracks for a distance of about 2,500 feet.

After a hearing on March 30, 1925, before Examiner Austin, the Commission, on June 3, 1925, entered its Decision No. 15003, in which the County and the railroad were directed to effect the grade separation in the manner proposed and in this decision the cost of constructing the project, which was estimated to be \$66,500., was apportioned 62½% to applicant and 37½% to Southern Pacific Company.

On June 12, 1925, Southern Pacific Company filed a

petition for rehearing and modification of the order, claiming that the Commission did not have jurisdiction to prescribe the location of the county road beyond the confines of the crossing and the approaches thereto. Argument on this petition for rehearing was held on July 22, 1925.

A further hearing was had on this matter May 11, 1927, at which time Southern Pacific Company proposed a plan whereby, in lieu of the assessment made in the Commission's Decision No. 15003, Southern Pacific Company would contribute \$20,000. toward the cost of constructing this grade separation, the County of Santa Cruz to bear all other costs in connection with the project. The County of Santa Cruz is agreeable to accepting this offer but since the funds which were available in 1925 have been used for other highway work in the vicinity and the old road has recently been improved with a temporary macadam surface from which the County desires to receive some benefit, it has requested an extension of two years' time in which to effect the grade separation. Southern Pacific Company agreed to this extension of time and, since it appears that the hazard at the existing grade crossing has been somewhat reduced subsequent to the date of the Commission's former decision on this matter, it appears reasonable to delay the construction for two years.

Since both parties have agreed on the division of cost, as well as the time and manner of performing the work, it appears to me that the old order should be rescinded and a new order entered in accordance with the desires of the parties as expressed at the hearing on May 11, 1927.

The following form of Order is, therefore, recommended:

O R D E R

Further hearing having been held in the above entitled

application and it appearing that the order heretofore made in this proceeding, Decision No. 15003, dated June 3, 1925, should be rescinded and a new order entered, therefore

IT IS HEREBY ORDERED that Decision No. 15003, dated June 3, 1925, made by this Commission in the above entitled proceeding, be and it is hereby set aside.

IT IS HEREBY FURTHER ORDERED that permission be and it is hereby granted to the County of Santa Cruz to eliminate an existing grade crossing of the county road with the track of Southern Pacific Company (College Park-Santa Cruz Branch) at engineer's station 4052+60 on said railroad and substitute therefor a crossing above the tracks, at the location and in the manner hereinafter specified, said overhead crossing to be constructed subject to the following conditions, viz:

(1) The relocation of the county highway and the railroad tracks necessary to effect the grade separation shall be substantially as shown in applicant's Exhibit No. 1.

(2) The point of the overhead crossing shall be approximately at engineer's station 4020+07 on the constructed line of Southern Pacific Company near Rincon, Santa Cruz County, as shown by the map (Proposed Relocation of Southern Pacific Railroad and County Highway) applicant's Exhibit No. 1.

(3) The structure carrying said road over Southern Pacific Company's tracks shall be constructed in accordance with detailed plans and specifications which shall be filed with and approved by this Commission. It shall provide space for two parallel tracks with pier or other supporting member placed between the tracks.

(4) Said crossing shall be constructed with clearances conforming to provisions of the Commission's General Order No.26-C.

(5) The existing public crossing of said county road located at engineer's station 4052+ 60, on the railroad, shall be legally abandoned and effectively closed to public use and travel in so far as the County of Santa Cruz has power so to do.

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

(7) If said crossing shall not have been installed within two (2) years from the date of this Order, the authorization herein granted shall then lapse and become void unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED that the cost of constructing said overhead crossing shall be apportioned in accordance with an agreement to be entered into between applicant and Southern Pacific Company. A copy of said agreement shall be filed with the Commission before the work of construction is undertaken.

IT IS HEREBY FURTHER ORDERED that the future maintenance of the crossing shall be borne by applicant.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 24th day of May, 1927.

E. J. W. [Signature]
H. B. [Signature]
[Signature]
[Signature]
Commissioners.