

ORIGINAL

Decision No. 13329 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the Matter of the Application of The People of the State of California, on relation of the Department of Public Works, Division of High- ways, for an order authorizing the construction of a state highway crossing under the tracks of the Southern Pacific Company, at Brighton, Sacramento County, Cal- ifornia.</p>	
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Application No. 14304.

BY THE COMMISSION:

O R D E R

The Department of Public Works, Division of High-ways, of the State of California filed the above entitled application with this Commission on the 28th day of December, 1927, asking for authority to construct a public road, designated as Road III-Sac-II-B, under the tracks of Southern Pacific Company in the vicinity of Brighton Station, County of Sacramento, State of California.

Said Southern Pacific Company has signified by letter that it has no objection to the construction of said undergrade crossing and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary, and that this application should be granted, subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the People of the State of

California, on relation of the Department of Public Works, Division of Highways, to construct a subway carrying the highway under the tracks of Southern Pacific Company near Brighton Station, County of Sacramento, State of California, at the location and substantially in accordance with the plan (Exhibit "A") attached to the application.

The above crossing shall be identified as Crossing No. D-133.4-B.

Said undergrade crossing shall be constructed subject to the following conditions and not otherwise:

(1) Said undergrade crossing shall be constructed substantially in accordance with Applicant's Exhibit "A" and specifically in accordance with detailed plans duly approved by Applicant, Southern Pacific Company and the City of Sacramento, said plans to be submitted to this Commission for its approval within one-hundred and twenty (120) days from the date of this order.

(2) Said undergrade crossing shall be constructed with clearances conforming to the provisions of Commission's General Orders No. 26-C and No. 64.

(3) The cost of constructing this undergrade crossing, to the extent of Seventeen Thousand Five Hundred Dollars (\$17,500.), shall be borne by the City of Sacramento, and the remaining cost of said subway shall be borne equally by the Applicant and Southern Pacific Company. Applicant shall, within one-hundred and twenty (120) days from the date hereof, file with this Commission, for its approval, a certified copy of an agreement between Southern Pacific Company, City of Sacramento and itself, covering the terms and manner of constructing this grade separation.

(4) The cost of maintenance of said undergrade

crossing shall be borne in accordance with the terms of an agreement hereinafter to be entered into between Applicant, City of Sacramento and Southern Pacific Company, and filed with the Commission for its approval within one-hundred and twenty (120) days from the date hereof, or, in the event of failure of the interested parties to reach such agreement within such time, said cost of maintenance shall be borne in accordance with the terms of a supplemental order herein by this Commission.

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

(6) If said undergrade crossing shall not have been installed within one year from the 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 undergrade 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 6th day
February
of January, 1928.

Leon Whitell

Cl. Sawyer

Wm. A. ...

Thos. ...

M. A. ...
Commissioners.