

**ORIGINAL**Decision No. 19439.

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, Division of Highways, for  
 an order authorizing the construction  
 of a State highway crossing under the  
 tracks of the Southern Pacific Railroad  
 near Helisma, Calaveras County, Calif-  
 ornia.

Application No. 14394.

BY THE COMMISSION:

ORDER

The People of the State of California, on relation of the Department of Public Works, Division of Highways, filed the above entitled application with this Commission on the 1st day of February, 1928, asking for authority to re-construct a state highway undergrade crossing on Road X-Cal-24-A under the tracks of Southern Pacific Company's Lodi Branch, in the vicinity of Helisma, Calaveras County, California, as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to the re-construction of said undergrade crossing. The application sets forth that applicant and Southern Pacific Company have agreed that the cost of reconstructing said grade separation shall be shared equally by them. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is in the interest of public convenience and necessity that this grade separation be reconstructed as planned; and, that this applica-

tion 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 reconstruct a state highway undergrade crossing on Road X-Cal-24-A under the tracks of the Lodi Branch of Southern Pacific Company at Engineer Station 411+52.3 (Highway Survey) near Helisma, Calaveras County, California, and as shown by the map attached to the application.

The above crossing shall be identified as Crossing No. DF-127.9-B.

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

(1) Within ninety (90) days from the date of this order applicant shall file with this Commission certified copy, or copies, of agreement, or agreements, covering the entire cost of the reconstruction and maintenance of said undergrade crossing. In the event that such an agreement cannot be reached by the interested parties, this Commission shall assess the above mentioned costs by supplemental order.

(2) The crossing shall be constructed of a width not less than thirty-(30) feet and at an angle of approximately fifty-nine (59) degrees to the railroad and with grades of approach not greater than two (2) per cent; and shall be located at Engineer Station 411+52.3 (Highway Survey). Said undergrade crossing shall be constructed with clearances conforming to the provisions of this Commission's General Order No. 26-C.

(3) Applicant shall, before commencement of construction, file with this Commission a complete set of detail plans

of the proposed grade separation.

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

(5) If said grade separation 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.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said grade separation 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.

For all other purposes the effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 3rd day of March, 1928.

Leon Whitell  
Chairman  
David L. ...  
M. J. ...  
 Commissioners.