

Decision No. 20211

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 Pub- lic Works, Division of Highways, for an order authorizing construction of a State highway crossing over the tracks of the Southern Pacific Railroad, near Saugus, Los Angeles County, California.</p>)
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Application No. 14878.

BY THE COMMISSION:

O R D E R

The Department of Public Works, Division of Highways, of the State of California, filed the above entitled application with this Commission on the 13th day of July, 1928, asking for authority to construct a public road, designated as Road VII-L.A.-4-A, over the track of Southern Pacific Company in the vicinity of Saugus, County of Los Angeles, State of California.

Said Southern Pacific Company has signified by letter that it has no objection to the construction of said overgrade 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 viaduct carrying the highway over the track of Southern Pacific Company near Saugus, County of Los Angeles, 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. BE-445.6-A.

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

(1) Said overgrade crossing shall be constructed substantially in accordance with Applicant's Exhibit "A" and specifically in accordance with detailed plans duly approved by Applicant and Southern Pacific Company, said plans to be submitted to this Commission for its approval within ninety (90) days from the date of this order.

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

(3) The cost of constructing this overgrade crossing, to the extent of Ten Thousand Dollars (\$10,000.) shall be borne by Southern Pacific Company, and the remaining cost shall be borne by Applicant. Applicant shall, within ninety (90) days from the date hereof, file with this Commission, for its approval, a certified copy of an agreement between Southern Pacific Company and itself, covering the terms and manner of constructing this grade separation.

(4) The cost of maintenance of said overgrade crossing shall be borne in accordance with the terms of an agreement hereinafter to be entered into between applicant and Southern Pacific Company and filed with this Commission, for its approval, within ninety (90) 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) The existing public crossing of Road VII-L.A.-4-A, located approximately 1650 feet northwest of the proposed overgrade crossing and designated as Crossing No. BE-445.4, shall, upon the completion of said overgrade crossing, be legally abandoned and effectively closed to public use and travel.

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

(7) If said overgrade 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.

(8) The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said overhead 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 13th day of September, 1928.

Leon Whittell

Henry

W. M. East

Paul

Commissioners.