

Decision No. 20436

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the County of Santa Cruz, a body politic and political subdivision of the State of California, for authorization to enter into an agreement with the Southern Pacific Company for the widening and improving of the Aptos Underpass.

ORIGINAL

Application No. 15068.

BY THE COMMISSION:

O R D E R

The County of Santa Cruz filed the above entitled application with this Commission on the 24th day of September, 1928, asking for authority to make changes to an existing underpass under the tracks of Southern Pacific Company in the vicinity of Aptos, Santa Cruz County, California.

The application recites that the estimated cost of these changes is \$14,800.00 and that the County of Santa Cruz and Southern Pacific Company have reached an agreement under the terms of which each will bear fifty (50) per cent of the cost.

It appears to the 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 the proposed changes be made to the underpass and that this application should be granted subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED that the County of Santa Cruz and Southern Pacific Company be and they are hereby authorized to make changes to the undergrade crossing under the tracks of Southern Pacific Company, in the vicinity of Aptos (Crossing No. 86.8-2), substantially in accordance with the plan marked "Layout for Suggested

Undergrade Crossing at Aptos," attached to the application, said crossing to be constructed subject to the following conditions:

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

(2) The cost of construction and maintenance of said undergrade crossing shall be borne specifically in accordance with the terms of agreement entered into between the interested parties.

(3) Applicant shall, within ninety (90) days from the date hereof, file with this Commission a certified copy of said agreement, said agreement to be subject to the approval of this Commission.

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

(5) 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.

(6) 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 13th day of November, 1928.

W. Sweeney

Emmanuel

W. S. Latta

M. A. Carr

Commissioners.