

Decision No. 20597

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 over the tracks of the  
 Southern Pacific Railroad, near Benham  
 Station, in Santa Barbara County, California.

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 ) Application  
 ) No. 14079  
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**ORIGINAL**

Harry Mc Clelland, for Applicant.  
 R. G. Hillebrand, for Southern Pacific Company.

BY THE COMMISSION -

O P I N I O N

In this proceeding, the People of the State of California on relation of the Department of Public Works, Division of Highways, request permission to construct a State Highway at separated grades over the track of Southern Pacific Company, near Benham Station, Santa Barbara County.

A public hearing was held in this matter before Examiner Handford on December 7, 1928, at San Francisco.

The existing state highway crosses under the Southern Pacific Company's tracks near Benham Station through a subway which is too small to satisfactorily accommodate the present and future highway traffic. Furthermore, the highway approaching the subway has very unsatisfactory alignment.

It is the proposal of the applicant to construct the highway on an entirely new alignment crossing over the railroad on a viaduct having a width of forty-four feet and at a cost of approximately \$77,000.00.

The construction of the proposed viaduct over the railroad will not eliminate the continued use of the existing subway as it will be necessary for local use.

It was stipulated and agreed by the applicant and Southern Pacific Company that the Southern Pacific Company would contribute \$9,000.00 toward the cost of the proposed construction and that the applicant would bear the remaining cost.

It appears from the record that the proposal of the applicant is necessary for the convenience, necessity and safety of the traveling public and that this application should be granted.

### O R D E R

The People of the State of California on relation of the Department of Public Works, Division of Highways, having made application to this Commission for an order authorizing the construction of a state highway crossing over the track of Southern Pacific Company near Benham Station, Santa Barbara County, and apportioning the cost thereof, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that permission and authority be and it hereby is granted to the State of California on relation of the Department of Public Works, Division of Highways, to construct a state highway at separated grades over the track of Southern Pacific Company near Benham Station, County of Santa Barbara, State of California, at the location as shown by the plans marked Exhibit 1 entered in this application.

Said crossing shall be identified as crossing No. E-384.0-A.

Said overgrade crossing shall be constructed subject to the following conditions:

- 1- Said crossing shall be constructed substantially in accordance with the detailed plans filed as Exhibit 1 in this proceeding.
- 2- Nothing in this order shall be construed as an authorization by this Commission for the construction of said overgrade crossing in such a manner as will be contrary to any

of the provisions of General Order No.26-C of this Commission.

3- The total cost of construction of said overgrade crossing shall be borne as follows: Southern Pacific Company shall contribute Nine Thousand (9,000) Dollars toward said cost and the entire remaining costs shall be borne by applicant.

4- Applicant shall, within one hundred and twenty (120) days from the date hereof, file with this Commission certified copy or copies of agreement or agreements between the interested parties relative to division of cost of construction and maintenance of said overgrade crossing, unless further time is granted by subsequent order.

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

For all other purposes the authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of December, 1928.

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*P. C. Seamy*  
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*Edward*  
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*Thos. D. Lott*  
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COMMISSIONERS.