

Decision No. 20678.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of The People of the State of California, acting by and through the Department of Public Works, Division of Highways, for an order authorizing the construction of overhead crossing over the tracks of the Southern Pacific Railroad, near Spence, Monterey County, California.

ORIGINAL

Application No. 15263.

BY THE COMMISSION:

O R D E R

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 11th day of December, 1928, asking for authority to construct a state highway at separated grades over the tracks of the Southern Pacific Railroad Company near Spence, Monterey County, California, as hereinafter set forth. 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; that it is in the interest of public convenience and necessity that the overgrade crossing be constructed; that Southern Pacific Company has advised, by letter, that it has agreed with applicant concerning the division of cost of said overgrade crossing; and, that this application should be granted, subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, Division

of Highways, be and it is hereby authorized to construct an overgrade crossing over the tracks of Southern Pacific Railroad Company in the vicinity of Spence, Monterey County, California, substantially in accordance with the plan and profile of proposed highway crossing attached to the application, said overgrade crossing to be constructed at the location designated by the said Department of Public Works, Division of Highways, for the purpose of identification as Road V-Mon-2-B, Station 340+41.82, as shown by said plan attached to the application, and marked Exhibit "A."

The above crossing shall be identified as Crossing No. E-123.4-A.

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

(1) Said overgrade crossing shall be constructed, except as hereinafter specified, substantially in accordance with the plan and profile of proposed overgrade crossing attached to the application, and marked Exhibit "A," but specifically in accordance with plan to be filed with the Commission before the work is started.

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

(3) The cost of construction and maintenance of said overgrade crossing shall be borne in accordance with an agreement to be hereinafter entered into by the interested parties, a certified copy of which shall be filed with the Commission within ninety (90) days from the date of this order. Said agreement shall be subject to the approval of this Commission. In the event that the interested parties fail to file said agreement with the

Commission within ninety (90) days, as above provided, the Commission shall apportion said cost by supplemental order herein.

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

(5) Upon the completion of the overhead crossing above authorized, the existing grade crossing of said state highway across the tracks of the Southern Pacific Company, located near Spence and identified as Crossing No. E-123.5, shall be legally abandoned and effectively closed to public use and travel.

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

Dated at San Francisco, California, this 17th day of January, 1929.

Thor S. Lovell
Chas. J. Seaver
Ernest J. ...
Leon Whitehall
W. P. ...
Commissioners.