

DECISION NO. 20917

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of 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 construction of a State Highway crossing over the tracks of the Los Angeles and Salt Lake Railroad Company, near Wineville, Riverside County, California.

Application No. 15160

Harry A. Encell, for Applicant,
Fred E. Petit, Jr. and L.C. Jackson, for Los Angeles and Salt Lake Railroad Company, Interested Party,
Mitchell, Silberberg and Davis by Mendel B. Silberberg, for Charles Stern Company, a corporation, Interested Party.

BY THE COMMISSION:

O P I N I O N

The People of the State of California acting by and through the Department of Public Works, Division of Highways, filed the above entitled application with this Commission requesting permission to construct a public highway, designated as Road VIII-Riv-19-A, over the tracks of Los Angeles and Salt Lake Railroad Company in the vicinity of Wineville, County of Riverside.

A public hearing on this application was conducted by Examiner Williams at Riverside on March 8, 1929, the matter was duly submitted and is now ready for decision.

Applicant amended its application so as to provide for a subway in lieu of the viaduct requested and filed a plan of said subway (Amended Exhibit A). This amendment met with the approval of all interested parties.

Applicant filed a memorandum (Exhibit No.1) setting forth the basis for the apportionment of cost and maintenance of said grade separation. The cost of said grade separation is estimated to be

\$194,232., which included the cost of replacing the existing paving, said cost to be borne equally by applicant, and Los Angeles and Salt Lake Railroad Company. In addition, applicant will bear the difference between the cost of the new paving and the cost of replacing existing paving, estimated to be \$13,000. The representatives of Los Angeles and Salt Lake Railroad Company stated that this basis of apportioning the cost of the proposed grade separation has been approved by the management of their company.

Mr. Silberberg stipulated that the property owners whom he represented would waive their right to claim severance of property damage, if any, caused by the construction of the subway.

After due consideration of all the evidence presented herein, we conclude that it is in the interest of public convenience and necessity that this separation of grades be constructed and that the cost and maintenance thereof be apportioned in accordance with the provisions of Exhibit No. 1.

ORDER

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being fully advised,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity justify the granting of this application, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the People of the State of California acting by and through the Department of Public Works, Division of Highways, to construct an undergrade crossing under the tracks of the Los Angeles and Salt Lake Railroad Company in the vicinity of Wineville, County of Riverside, substantially in accordance with and at the location shown on the plan and map (amended Exhibit A) attached to the application.

The above crossing shall be identified as Crossing No.3-45.4-B.

Said undergrade crossing to be constructed subject to the following conditions:

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

(2) The cost of constructing and thereafter maintaining said undergrade crossing shall be borne in accordance with an agreement between the interested parties, a duly executed and certified copy of which shall be filed with this Commission within ninety (90) days from the date hereof. Said agreement to apportion the cost and maintenance of said grade separation on the identical basis as that shown in Exhibit No.1 filed in this proceeding.

(3) Applicant shall, before commencement of construction, file with this Commission a complete set of detailed 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 undergrade 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 and maintenance of

said 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 29th day of March, 1929.

Thos D. Loutis

C. J. Severy

Emmanuel C. ...

Leon Whitell

W. J. ...
Commissioners