

Decision No. 21520.**ORIGINAL**

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 construc-  
tion of overhead crossing over the  
tracks of the Southern Pacific Rail-  
road, near Spence, Monterey County,  
California.

Application No. 15263.

BY THE COMMISSION:

S U P P L E M E N T A L  
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. It was proposed in the application to construct the highway over the tracks of the Southern Pacific Company.

On January 17, 1929, the Commission issued its Decision No. 20,678, granting the authority prayed for.

On July 5, 1929, the Division of Highways filed with the Commission, an amended application wherein authority was requested to construct the highway under the tracks of the Southern Pacific Company instead of over the tracks as proposed in the original application. The Southern Pacific Company has indicated by letter that it has no objection to the construction of the grade separation as proposed in the amended application.

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 undergrade crossing be constructed; that Southern Pacific Company has advised by letter that it has agreed with applicant concerning the cost of said undergrade crossing, and that authority for said crossing should be granted subject to the conditions hereinafter specified, and that the Commission's Decision No. 20678 in the above entitled matter should be revoked, therefore,

IT IS HEREBY ORDERED that Decision No. 20678 in the above entitled matter be and it is hereby revoked, and

IT IS HEREBY FURTHER ORDERED that the People of the State of California on the relation of the Department of Public Works, Division of Highways, be and it is hereby authorized to construct an undergrade crossing under the tracks of the 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 amended application in the above entitled matter, said undergrade crossing to be constructed at a location designated by said Department of Public Works, Division of Highways, for the purpose of identification as Road V-Mon-2-B, Station 327+84.96 as shown by said plan attached to said amended application and marked Exhibit "A."

The above crossing shall be identified as Crossing No. E-123.6-B.

Said undergrade shall be constructed to the following conditions, namely:

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

(5) Upon the completion of the undergrade 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 6<sup>th</sup> day of September, 1929.

Thos S Lottel

E L Seaver

W J Cur

Commissioners.