

Decision No. 21701

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Fillmore for Authorization to pave "A" Street, across the Right-of-Way of the Southern Pacific Railroad Company.

ORIGINAL
Application No. 15923.

BY THE COMMISSION:

O R D E R

The City Council of the City of Fillmore, County of Ventura, State of California, filed the above entitled application with this Commission on the 3rd day of September, 1929, asking for authority to widen and improve the approaches of the existing crossing of "A" Street over the right-of-way outside the tracks of the Southern Pacific Company, designated as Crossing No. BE-424.1, in the City of Fillmore, at the present grade of said "A" Street, and as shown by plan attached to the application.

Said Southern Pacific Company has signified by letter that it has no objection to the widening and improvement across its right-of-way and outside the tracks of the Company, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; and that this application should be granted subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the City Council of the City of Fillmore, County of Ventura, State of California, to widen and

improve "A" Street at present grade across the tracks of Southern Pacific Company at the location as shown by the map attached to the application.

The approaches of said crossing shall be widened and improved subject to the following conditions and not otherwise:

(1) The entire expense of the widening and improvement shall be borne by applicant. The cost of maintenance of those portions of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The approaches shall be constructed of a width not less than twenty-four (24) feet and at an angle of fifty (50) degrees to the railroad and with grades of approach not greater than two (2) per cent. Said crossing shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the widening and improving of said approaches.

(4) Unless the work herein authorized is effected within one (1) year, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation,

maintenance and protection 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 15th day of November, 1929.

Thomas G. Lewis

C. Seawey

Leon A. Whitall

W. H. C.

Commissioners.