

Decision No. 21805.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the City of Fillmore for authorization to pave Mountain View Street across the tracks and right-of-way of the Southern Pacific Railroad Company.

Application No. 15925.

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 improve the existing public crossing of Mountain View Street over the right of way and the tracks of Southern Pacific Company, designated as Crossing No. BE-424.7, in the City of Fillmore, at the present grade of said Mountain View 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 improvement of said crossing at the present grade 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 improve the crossing of Mountain View Street at present grade across the right of way and tracks of Southern Pacific Company at the location as shown by the map attached to the application.

Said crossing shall be improved subject to the following conditions and not otherwise:

(1) The expense of improving the crossing shall be borne in accordance with an agreement to be entered into between the City of Fillmore and Southern Pacific Company, a certified copy of the agreement to be filed with this Commission for its approval within ninety (90) days. In case the parties are unable to agree as to the division of costs, the apportionment of the costs of the improvement will be made by this Commission by subsequent order. The cost of maintenance of those portions of said crossing outside of lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of those portions of the crossing between lines two (2) feet outside of the rails shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed substantially in accordance with Standard No. 3 as specified in General Order No. 72 of this Commission; shall be protected by a Standard No. 1 crossing sign, as specified in General Order No. 75 of this

Commission, and 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 improvement of said crossing.

(4) Unless the work herein authorized shall not have been effected within one (1) 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.

(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 20th day of November, 1929.

Thomas D. Lantry

Al Seaver

Emmanuel

Commissioners.