

Decision No. 21821.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the CITY OF FILLMORE for Authorization to pave Sespe Place across the Right-of-Way and Tracks of the Southern Pacific Railroad Company.

Application No. 15924.

ORIGINAL

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 existing public road crossing of Sespe Place over the right of way and track of the Southern Pacific Company, designated as Crossing No. BE-424.0, in the City of Fillmore, at the present grade of said Sespe Place 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 of said crossing at 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 widen and improve Sespe Place at grade across the right of way and track

of Southern Pacific Company at the location as shown by the map attached to the application.

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

(1) The expense of widening and improving said 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 will be made by this Commission by subsequent order. The cost of maintenance 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.

(2) The crossing shall be constructed of a width not less than forty (40) feet and at an angle of fifty (50) degrees to the railroad and with grades of approach not greater than one (1) 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 widening and improvement of said crossing.

(4) Unless the work herein authorized is effected 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.

(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 26th day of November, 1929.

Thos. J. Loutch

W. J. Lavery

Frank J. Gentry

Leon Whitehall

Attest:
Commissioners.