Decision No. <u>22027</u>

BEFORE THE RAILFOAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the COUNTY OF SANTA CRUZ, State of California for an order authorizing the construction of a county highway underpass crossing under the tracks of the Southern Pacific Railroad near Chittenden Station, Santa Cruz County, California, and known as the Chittenden Underpass.

Application No. 16954.

BY THE COMMISSION:

O R D E R

The County of Santa Cruz, State of California, filed the above entitled application with this Commission on the 15th day of October, 1930, asking for authority to construct a public road under the tracks of Southern Pacific Company, in the vicinity of Chittenden as hereinafter set forth. The application recites that negotiations are now being carried on between the county and Southern Pacific Company regarding the allocation of cost of said structure and its approaches. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that there is public necessity for a grade separation at this point; 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 Board of Supervisors of the County of Santa Cruz, State of California, to construct a public road under the tracks of Southern Pacific Company at the location shown by the map attached to the application.

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NAW/LV

The above crossing shall be identified as Crossing No. 2-90.9-B.

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

- (1) The expense of constructing said undergrade crossing shall be borne in accordance with an agreement approved by the Commission, a certified copy of which shall be filed with this Commission within ninety (90) days after the date of this order. If said agreement is not filed within the above number of days and further time is not granted by subsequent order, the Commission will apportion said costs by supplemental order herein.
- (2) Said crossing shall be constructed with clearances conforming to the provisions of General Order No. 26-C of this Commission and substantially in accordance with the plans attached to the application.
- (3) Prior to the beginning of actual construction of the crossing herein authorized, applicant shall file with this Commission a certified copy of the appropriate ordinance or resolution duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public crossing of county road (Crossing No. E-91.4), located approximately one-half mile from the crossing herein authorized. Upon completion of the crossing herein authorized, and prior to its being opened to public use, the existing public crossing No. E-91.4 mentioned above shall be legally abandoned and effectively closed to public use and travel.
- (4) Applicant shall, within thirty (30) days thereafter notify this Commission, in writing, of the completion of the installation of said crossing.
- (5) If said 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.

The authority herein granted shall become effective on

the date hereof.

	Dated at San Francisco,	California,	this	3/11	_day
of	Montmilien, 1930.		,		

Commissioners.

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