

Decision No. 24882.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

**ORIGINAL**

In the matter of the Application of the CITY OF SAN BERNARDINO, a municipal corporation, for an order directing the reconstruction of an overhead highway over certain railroad tracks.

Application No. 17618.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER  
AND  
ORDER DENYING REHEARING

The City of San Bernardino, having on June 2nd, 1932, filed its petition for a rehearing in the above proceeding, seeking modification of the order in Decision No. 24782, dated May 23rd, 1932, in three respects, viz.,

1. Apportionment of cost.
2. Clarification of the responsibility of the respective parties with respect to maintenance.
3. A change in that portion of the order revoking Decision No. 9691, dated November 4th, 1921, in Application No. 5825.

On June 4th, 1932, the Commission received a letter from the City Attorney of San Bernardino advising that the city's objection to said order in Decision No. 24782 was restricted to the last two items referred to above, or, in other words, apportionment of maintenance and the question of revoking said Decision No. 9691. It appears that the city's request for modification with respect to these two items is reasonable and,

IT IS HEREBY ORDERED that Condition No. (3) of said

order, in Decision No. 24782, is modified to read as follows:

"(3) The expense of maintaining that portion of the viaduct, which might be referred to as the substructure, which will include foundations, footings, bents or piers, up to the underside of the street supporting structure, abutments and retaining walls, shall be borne by The Atchison, Topeka and Santa Fe Railway Company. The remainder of the maintenance of said structure, or the superstructure, including girders, floor beams, roadway, sidewalk, railing, lights and surface drainage, shall be borne by the City of San Bernardino."

IT IS HEREBY FURTHER ORDERED that upon the commencement of construction of the new viaduct the provisions of Decision No. 9691, in Application No. 5825, with respect to maintenance, shall be superseded by the provisions of Decision No. 24782 as modified by this Supplemental Order.

IT IS HEREBY FURTHER ORDERED that the petition of the City of San Bernardino for a rehearing is hereby denied.

In all other respects Decision No. 24782 shall remain in full force and effect.

Dated at San Francisco, California, this 13<sup>th</sup> day of June, 1932.

O. L. Berry  
Leon Whitely  
W. A. C.  
W. B. Lewis  
Fred G. Stewart  
Commissioners.