

Decision No. 25197.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of The People of the State of California, on relation of the Department of Public Works, for an order authorizing the construction of a State highway crossing at grade over the tracks of the Southern Pacific Company railroad spur serving the United States Naval Air Base near Sunnyvale, in San Mateo County.

Application No. 17949.

ORIGINAL

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

Subsequent to the time Southern Pacific Company filed a petition asking that the Commission set aside the ex parte order in its Decision No. 24520, dated February 23, 1932, in the above entitled proceeding and place the matter on the calendar for public hearing for the purpose of determining certain questions on the subject of apportionment of cost of constructing, protecting and maintaining the grade crossing involved herein, a number of informal conferences have been had in which Southern Pacific Company, Department of Public Works, Division of Highways, and the Commission's engineers have participated.

The company and Division of Highways have reached an agreement, as is evidenced by letters received by the Commission from both parties, whereby it is agreed that Conditions (2) and (4) of this order should be changed to provide that the entire expense of constructing the crossing shall be borne by the applicant in this proceeding and that applicant shall also pay the cost of providing the electric energy required to operate the flood lights. It now appears that Conditions (2)

and (4) should be changed to conform to this agreed plan, therefore,

IT IS HEREBY ORDERED that Conditions (2) and (4) of the Commission's Order in said Decision No. 24520, be modified to read as follows:

- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion 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. Southern Pacific Company shall supervise all actual work of constructing the crossing between lines two (2) feet outside of the outside rails.
- (4) Said crossing shall be protected by automatic signals and flood lights, in accordance with a plan to be approved by the Commission, said plan to be presented by applicant. The expense of providing such signals shall be borne by the applicant and the expense of maintaining same shall be borne by Southern Pacific Company, excepting that the cost of the electric current consumed by the flood lights shall be borne by applicant.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company's petition for rehearing in this proceeding, filed March 14, 1932, be and it is hereby dismissed, without prejudice.

In all other respects the Commission's Order in its Decision No. 24520 shall remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, this 19th day of September, 1932.

C. C. [Signature]
Leon [Signature]
M. A. [Signature]
M. B. [Signature]
Fred G. [Signature]
Commissioners.