

ORIGINAL

Decision No. 3063

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
BOARD OF SUPERVISORS OF CONTRA COSTA)
COUNTY, California, for an order pre-)
scribing the manner, place and terms)
of installation of the crossing of a)
public highway above the track of the)
Southern Pacific Company near Peyton,)
Contra Costa County, California.)
.....)

Application No. 198.

Geo. D. Squires for Southern Pacific Company.
T. D. Johnston, for applicant.

GORDON, Commissioner.

SUPPLEMENTAL OPINION

This application was originally filed with the Commission by the Board of Supervisors of Contra Costa County on August 21, 1912. It asked for an order prescribing the manner, place and terms of installation of an overhead highway crossing over the tracks of the Southern Pacific Company near the town of Peyton. A hearing was held on September 5, 1912 at Martinez, at which it was decided that those interested in the proposed crossing would endeavor to enter into an agreement which would cover the location, construction and division of expense of installing and maintaining the proposed bridge. Plans for this structure and an agreement covering the division of the expense thereof were filed with the Commission on October 16, 1912, and on October 21st the Commission made its order granting the application in accordance with the terms of the agreement, which provided that the expense of the overhead bridge should be divided equally between the county and the railroad company.

The bridge, however, was not constructed under this order, and on September 22, 1915 the County of Contra Costa filed

with the Commission a set of revised plans and a revised estimate considerably larger than the original estimate. Inasmuch as the Southern Pacific Company was required by the order to stand one-half (1/2) of the expense of this proposed bridge, the Commission sent the plans to that company to secure their approval, as the revised plans contemplated the expenditure of some \$2,000.00 greater than that covered in the original order. The Company objected to standing any additional expense over the original estimate, and a second hearing was thereafter held in Martinez on December 7, 1915. It there appeared that the differences between the county and the railroad company were due to a misunderstanding, and this hearing, like the first, resulted in an adjournment pending negotiations for a new agreement between the two parties on the basis of the revised estimate and plans. An agreement was reached, a copy is now before the Commission, and the following order which I recommend, divides the expense in accordance therewith.

SUPPLEMENTAL ORDER

CONTRA COSTA COUNTY, California, having applied to the Commission for permission to construct a public highway above the tracks of the Southern Pacific Company near Peyton, Contra Costa County, California, as shown by the map and profile attached to the application; and it appearing to the Commission that this application should be granted and that the previous order entered in this matter should be annulled;

IT IS HEREBY ORDERED, That permission be hereby granted Contra Costa County, California to construct a public highway above the tracks of the Southern Pacific Company near Peyton, in said county, as shown by the map and profile attached to the application and subject to the following conditions, viz:

(1) The previous order made in this matter is hereby annulled.

(2) The expense of constructing the overhead bridge in accordance with the plans and specifications for same which were filed with the Commission on September 20, 1915, shall be divided between the parties as provided in a resolution passed by the Board of Supervisors of Contra Costa County and filed with the Commission on January 19, 1916, which provides that the Southern Pacific Company shall contribute Five Thousand Dollars (\$5,000) toward the expense of this bridge.

(3) The overhead bridge shall be constructed so that the clearances shall not be less than those prescribed in the Commission's General Order No. 26.

(4) The County of Contra Costa shall hereafter maintain at its own expense said overhead bridge together with approaches thereto in good and first-class condition for the safe and convenient use of the public.

(5) The Commission reserves the right hereafter to make such farther 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.

Dated at San Francisco, California, this 25th day of January, 1916.

W. H. England

W. G. Gordon

Frank Decker

Commissioners.