

Decision No. 8978.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application
of the People of the State of
California on relation of the
Department of Engineering for an
Order authorizing the construction
of a State highway crossing under
the tracks of the Southern Pacific
Railroad Company, a corporation,
near Fredonia in Lassen County,
California.

Application No. 6806.

By the Commission:

O P I N I O N

This is an application by the People of the State of California on relation of the Department of Engineering for an order authorizing the construction of a State highway crossing under the tracks of the Southern Pacific Railroad Company, a corporation, near Fredonia, in Lassen County, California.

The application states that the Department of Engineering proposes to construct an undercrossing under the tracks of said railroad according to plans attached to the application and marked "Exhibit A", and further that the construction of said undergrade crossing will make the use of the present grade crossing near said point necessary.

There is attached to the application, and marked "Exhibit B", a copy of agreement dated March 17, 1921, entered into between applicant and said railroad covering the right of way for, and fixing the division of cost of such subway.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted in accordance with the terms appearing in the following order:

O R D E R

The People of the State of California, on relation of the Department of Engineering, having on May 6, 1921, made application to the Commission for permission to construct a State highway under the tracks of the Southern Pacific Railroad Company, a corporation, near Fredonia in Lassen County, California, at Engineers Station 920 plus 57.09 of said railroad, as shown by the plans attached to the application, both parties having agreed that the application be granted and to the division of cost of constructing said crossing; and it appearing to the Commission that a public hearing is not necessary and that this application should be granted under certain conditions hereinafter specified,

IT IS HEREBY ORDERED, that the People of the State of California on relation of the Department of Engineering, be and the same are hereby authorized to construct a State highway under the tracks of the Southern Pacific Railroad Company at or near the point shown on the plans attached to said application and as set forth above, subject to the following conditions and not otherwise:

1. The proposed undergrade crossing shall be constructed in accordance with the terms and conditions appearing in that certain agreement under date of March 17, 1921, as executed by the Central Pacific Railway Company, a corporation, first party; Southern Pacific Company, a corporation, second party; and the State of California, third party, said agreement being filed with and forming a portion of the application in the above entitled proceeding.

2. All provisions of General Order No.26 of this Commission which are pertinent in this matter shall be complied with.

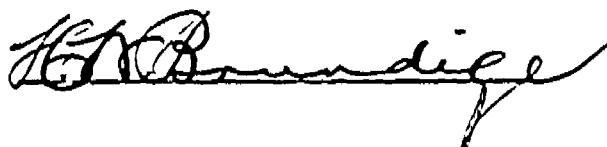
3. The existing grade crossing near the location of the undercrossing shall be abandoned.

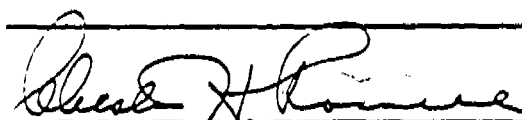
4. The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper,


and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 16th day of May, 1921.







Commissioners.