

Decision No. 28394.

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the State of California, on relation of the Department of Public Works, for an order authorizing the construction of a crossing at separated grades of the State highway and the tracks of the Southern Pacific Railroad at Famosa, Kern County, California.

Application No. 20245.

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on November 8, 1935, applied for authority to construct a public highway known as State Highway Route 4, at separated grades under the main line track of Southern Pacific Company in the vicinity of Famosa, Kern County. Southern Pacific Company has signified in writing that it has no objection to the construction of said undergrade crossing.

Upon completion of the grade separation it appears that the existing crossing at grade of State Highway Route 4 with said track (Crossing No. B-291.6) located approximately one and one-half miles north of the proposed separation can be abolished.

It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the undergrade crossing be constructed and that the application should be granted,

IT IS HEREBY ORDERED that the People of the State

of California, on relation of the Department of Public Works, are hereby authorized to construct a public highway known as State Highway Route 4 at separated grades under the main line track of Southern Pacific Company in the vicinity of Famosa, County of Kern, State of California, at the location more particularly described in the application and substantially in accordance with and as shown by the plan attached to the application, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. B-292.9-B.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The substructure of said crossing below the base of bridge seats, including the roadway paving, drainage and lighting, shall be maintained by applicant. The superstructure of said crossing above the base of bridge seats, including the track and appurtenances thereto, shall be maintained by Southern Pacific Company.
- (3) Prior to the commencement of construction, applicant shall file with the Commission a set of plans of said crossing, showing the clearances, roadway width, alignment and grades of approach, which plans shall have been approved by the interested parties.
- (4) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (5) Within six (6) months from the date of this order, applicant shall file with the Commission a certified copy of an agreement between it and Southern Pacific Company covering the terms of construction and maintenance of said crossing.
- (6) Upon completion of the grade separation herein authorized and upon its being opened to public use and travel, applicant shall legally abandon and effectively barricade and close to public use and travel the grade crossing identified as Crossing No. B-291.6, located approximately one and one-half miles north of the crossing herein authorized. Southern Pacific Company shall immediately thereafter perform all the work and assume all expense in connection with physically abolishing said grade crossing, including construction of any right of way fences.

(7) Applicant shall, within thirty (30) days thereafter, notify this Commission in writing of the completion of the installation of said crossing and of its compliance with the conditions hereof.

(8) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof 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 25<sup>th</sup> day of November, 1935.

Leon Outwell

W. J. Lee

W. B. Harris

Frank Owen

Commissioners.