

Decision No. 35882

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,)	
Division of Highways, for an order author-)	Application No. 15606
izing the construction of a State highway)	
crossing over the Arcata and Mad River Rail-)	
road and the Northwestern Pacific Railroad,)	
near Arcata, Humboldt County.)	

BY THE COMMISSION:

ORIGINAL

FIRST SUPPLEMENTAL ORDER

In Decision No. 21542, dated September 12, 1929, in the above entitled application, the Department of Public Works was authorized to construct a grade separation over the tracks of the Northwestern Pacific Railroad Company and Arcata and Mad River Railroad Company in the vicinity of Arcata, Humboldt County, and the separation was subsequently constructed.

The cost of this structure was apportioned between the parties, and 11% of such cost, or the sum of \$3,646.65 was assessed to the Arcata and Mad River Railroad Company. Of this amount the railroad company has reimbursed the Department of Public Works in the sum of \$2,500.00 cash and \$67.00 in labor and materials. The Arcata and Mad River Railroad Company ceased operations about the year 1934 and its owner, the Northern Redwood Lumber Company, is now bankrupt.

The Company has filed a Petition for Modification of the Commission's prior order fixing its proportion of the grade separation at the amount paid to date, namely \$2,500.00. It appears that such request is reasonable and that the cost of the separation should be apportioned on the basis of the amounts actually contributed by the several parties, taking into consideration the labor and materials furnished by the two railroads, therefore,

IT IS HEREBY ORDERED that Condition No. 1 of Decision No. 21542 in Application No. 15606, is hereby modified to read as follows:

(1) The cost of effecting said grade separation shall be apportioned as follows: To Northwestern Pacific Railroad Company \$4,641.20, to Arcata and Mad River Railroad Company \$2,567.00, and the balance to applicant.

In all other respects said Decision No. 21542 shall remain in full force and effect.

Dated at Los Angeles, California, this 20th day of October, 1942.

Justus J. Cramer
Ray W. Riley
M. Baker
Frank R. Havenner
Richard L. Lamm
 Commissioners