

ORIGINAL

Decision No. 42358

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 The County of Ventura for An Order)
 Authorizing the Southern Pacific)
 Company to Grant an Easement to the) Application No. 30001
 County of Ventura, Across the Tracks)
 and Right of Way of said Company in)
 said County of Ventura, and for an)
 Order Authorizing the Construction of)
 a Public Crossing of the Railroad of)
 said Southern Pacific Company by a)
 Public Road at a Point in said Ventura)
 County between Existing Public Crossings)
 on said Railroad Nos. B A E 406.6 and)
 B A E 408.4.)

M. Arthur Waite, District Attorney, by Donald D. Roff,
 Deputy District Attorney. for applicant; Don R. Holt, for
Mrs. Minnie May Bahns; Randolph Karr; for Southern Pacific Company;
 protestant.

O P I N I O N

In the above-numbered proceeding, the County of Ventura seeks authority to construct a public crossing at grade over the Ojai Branch of Southern Pacific Company, to serve a new real estate subdivision of the Rancho Santa Ana Vista.

A public hearing in the matter was held before Examiner Ager at Ventura on May 10, 1949. Evidence was adduced indicating the necessity for the crossing, but the same evidence also showed that the proposed alignment of the road was poor and the approach grade from the south was excessive (8.07 per cent to 10.15 per cent). Southern Pacific Company protested the granting of the application

on the grounds that, as proposed, it would constitute an unnecessary hazard. No difference of opinion arose between applicant and Southern Pacific Company as to the necessity for the crossing, and at the conclusion of the hearing, therefore, an adjournment was taken, with the understanding that applicant and Southern Pacific Company would attempt jointly to develop a plan which would eliminate the objectionable features contained in the original application.

A supplemental application was filed on June 27, 1949, to which is attached a revised plan, both as to alignment and grades, of the proposed crossing. Southern Pacific Company, in its letter of August 5, 1949, has indicated that it will offer no objection to the construction as now proposed, provided certain conditions are incorporated in the Commission's order. Applicant, in its letter of August 18, 1949, has indicated that the conditions suggested by Southern Pacific Company are acceptable.

As indicated in the foregoing opinion, there is no controversy as to the necessity for a crossing, at grade, and since applicant and Southern Pacific Company are in agreement on the new plan, which also conforms to the Commission's standards, there appears to be no need for further hearing. The application will be granted.

O R D E R

A public hearing having been held, and the Commission being fully advised in the premises,

IT IS HEREBY ORDERED that the County of Ventura is authorized to construct a public road, at grade, across the Ojai Branch of Southern Pacific Company, at the location described in the supplemental application and as shown on the map attached thereto, subject to the following conditions and not otherwise:

- (1) The crossing shall be identified as Crossing No. BAE-407.6.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of the crossing up to lines two feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two feet outside of the rails shall be borne by Southern Pacific Company. Southern Pacific Company shall perform all actual work of constructing the crossing between lines two feet outside of the rails.
- (3) The crossing shall be constructed of a width of not less than 36 feet, with grades of approach not greater than six per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by two Standard No. 1-A crossing signs, as specified in our General Order No. 75-B, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) The embankment on the east side of the railroad tracks shall be so excavated as to improve the view conditions north of the proposed roadway for a distance of at least 300 feet so that the driver of any vehicle approaching the crossing from the state highway will have an unrestricted view of the railroad for a distance of at least 300 feet north of the crossing during the last 50 feet of travel approaching the tracks.

- (5) 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.
- (6) The authorization herein granted shall lapse if not exercised within one (1) year after the date hereof, unless further time is granted by subsequent order.
- (7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance, and protection of such crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, public convenience, necessity, and safety demand such action.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 4th day of October, 1949.

R. Z. Johnson
Justice J. Greene
Frank H. Lane
Harold P. Kula
Herbert H. Potter
COMMISSIONERS