

Decision No. 47631**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SOUTHERN PACIFIC COMPANY for an order )  
 authorizing the construction of its )  
 so-called Los Angeles By-Pass Line )  
 across the main track of The Atchison, )  
 Topeka and Santa Fe Railway Company )  
 in the vicinity of Los Nietos, in the )  
 County of Los Angeles, State of )  
 California. )

Application No. 33673ORDER

Southern Pacific Company, a corporation, on August 19, 1952, applied for authority to construct, maintain and operate a railroad track at grade across the main track of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Los Nietos, County of Los Angeles, State of California. The Atchison, Topeka and Santa Fe Railway Company has consented, in writing, to the construction of said crossing at grade across its main track.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing at the point mentioned; and, that the application should be granted, subject to certain conditions,

IT IS ORDERED that Southern Pacific Company is authorized to construct its railroad track at grade across the main track of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Los Nietos, County of Los Angeles, State of California, at the location more particularly described in the application and as shown by print of Los Angeles Division Drawing B-2719, Sheet No. 1, dated December 31, 1951, attached thereto, subject to the following conditions:

1. The entire expense of constructing and thereafter maintaining the crossing, including protective devices therefor, in good and first-class condition for safe and convenient railway use, shall be borne by applicant in accordance with an agreement approved by this Commission, a certified copy of which shall be filed within six (6) months after the date of this order. Should said agreement not be filed within the above time and further time not be granted by subsequent order, said cost will be apportioned by supplemental order.

2. Said crossing shall be protected by means of an interlocking plant in conformity with the provisions of the Commission's General Order No. 33-B, or subsequent modifications thereof, and in accordance with plan having been approved by this Commission.

3. 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.

4. The authorization herein granted shall lapse if not exercised within one (1) year of the date hereof, unless further time is granted by subsequent order.

5. The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as it may deem right and proper and to revoke this authorization if, in its judgment, public convenience, necessity and safety demand such action.

The authority herein granted shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 26<sup>th</sup> day of August, 1952.

President

Justin Z. Casper

Harold P. Kelly

Thomas J. Patton

John E. McMill

Commissioner's