

Decision No. 12881

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of	)	
the Board of Supervisors of the County	)	
of Santa Clara for an order authorizing	)	
the crossing of the tracks of the South-	)	Application No.9461.
ern Pacific Company by a projected road	)	
and highway known as the Kifer Road.	)	

BY THE COMMISSION:

ORDER

Board of Supervisors of the County of Santa Clara, State of California, having on October 18, 1923 filed with the Commission an application for permission to construct a public road connecting Kifer Road and Hoffman Road located between Santa Clara and Agnew at grade across the tracks of Southern Pacific Company, hereinafter called the Railroad, in said County of Santa Clara, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the Railroad has signified by letter that it has no objection to the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said track, and that the application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby

granted the Board of Supervisors of the County of Santa Clara, State of California, to construct Kifer Road at grade across track of the Southern Pacific Company at location approximately three thousand one hundred (3100) feet, measured in a southerly direction along the center line of said Southern Pacific Company's right of way, from a point marking the intersection of the center lines of the Southern Pacific Company's right of way and the Santa Clara and Alviso Road of Santa Clara County as shown by the map attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty four (24) feet and at an angle of eighty (80) degrees to the railroad and with grade of approach not greater than four per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of said crossing at the sole expense of applicant, said automatic flagman to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said flagman shall be borne by the Southern Pacific Company.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) The authorization herein granted for the installation

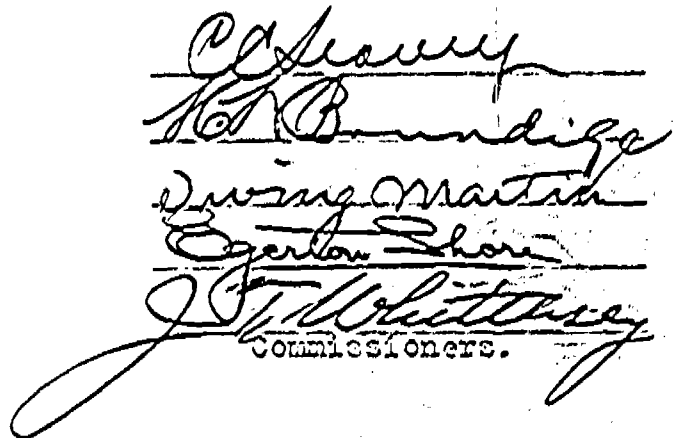
of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) 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.

(7) The three existing private crossings located approximately thirteen hundred (1300) feet, twenty four hundred and twenty (2420) feet, and fifty six hundred and ten (5610) feet, respectively, measured in a southerly direction along the center line of the Southern Pacific Company's right of way from the crossing asked for in this application shall be abandoned and effectively closed after the completion of the crossing applied for herein.

This order shall become effective three (3) days from the making thereof.

Dated at San Francisco, California, this 2<sup>nd</sup> day of November, 1923.

  
Commissioners.