

Decision No. 16949.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of Southern Pacific Company for an order authorizing the construction at grade of a proposed side track across Brokaw Road, in the Town of Santa Clara, County of Santa Clara, State of California.

Application No. 12,904.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 3rd day of June, 1926, asking for authority to construct a side track at grade across Brokaw Road in the Town of Santa Clara, County of Santa Clara, State of California, as hereinafter set forth. The necessary franchise or permit dated May 3rd, 1926, has been granted by the Board of Trustees of said Town of Santa Clara for the construction of said crossing at grade. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; 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 in this application with said Brokaw Road and that this application should be granted subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to Southern Pacific Company to

construct a side track at grade across Brokaw Road in the Town of Santa Clara, County of Santa Clara, State of California, as follows:

Beginning at a point on the westerly line of Brokaw Road, distant northerly thereon 172 feet more or less from its intersection with the northerly line of Railroad Avenue produced; thence in an easterly direction, crossing said road a distance of 65 feet, more or less, to a point on the easterly line of said Brokaw Road, distant northerly thereon 182 feet, more or less, from its intersection with the northerly line of Railroad Avenue,

and as shown by the map (Coast Div'n., Dwg. 23033, Sheet 2) attached to the application; said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said Brokaw Road now graded, with the tops of rails at same elevation as main line rails and flush with the roadway, and with grades of approach not exceeding two and one-half (2-1/2) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) A human flagman shall be maintained for the protection of said crossing and the crossing of adjacent tracks including the main line tracks. The cost of maintaining said protection shall be borne by applicant.

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

(5) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 14th day of June, 1926.

H. B. ...
P. L. ...
...
Leon Whitely

Commissioners.