

ORIGINAL

Decision No. 17985.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the City of Palo Alto, a municipal corporation, for an order granting permission to the Southern Pacific Company to widen and improve a grade crossing at the intersection of Embarcadero Road, in the City of Palo Alto, with the right-of-way of said Company.

Application No. 13,443.

BY THE COMMISSION:

ORDER

The City of Palo Alto, County of Santa Clara, State of California, filed the above entitled application with this Commission on the 5th day of January, 1927, asking for authority to widen to approximately ninety (90) feet the existing crossing of Embarcadero Road at grade across the tracks of Southern Pacific Company, in the said City of Palo Alto and to change the location of the automatic flagman, the watchman's sign and house at said crossing as hereinafter set forth. The widening of this crossing as contemplated will require the applicant to obtain additional right-of-way from the Southern Pacific Company. Said Southern Pacific Company has signified that it has no objection to the widening of said crossing at grade, or to the relocation of the protection installed thereat and has agreed to pay all of the expense incident to said changes. It appears to this Commission that the present proceeding is not one in which a public hearing

is necessary; that it is in the interests of public convenience and necessity that said crossing be widened at this time and that the protection installed thereat be moved as requested, and that the application should therefore be granted, subject to the conditions hereinafter specified, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Southern Pacific Company and to the City of Palo Alto, County of Santa Clara, State of California, to widen the existing crossing of Embarcadero Road to a width of approximately ninety (90) feet at grade across the tracks of Southern Pacific Company and to move the existing protection at said crossing to the locations shown by the map (Exhibit "B") attached to the application.

The widening of said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of widening the crossing and of moving the protection shall be borne by Southern Pacific Company. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant, City of Palo Alto. 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.

No portion of the cost herein assessed to City of Palo Alto for the maintenance of said crossing shall be assessed by said City, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The protection at said crossing shall be maintained by Southern Pacific Company. The crossing shall be widened to a width not less than eighty-five (85) feet and not more than one hundred and ten (110) feet and at an angle of approximately sixty

(60) degrees to the railroad and with grades of approach not greater than four (4) per cent: shall be constructed equal or superior to Standard No. 3 as specified in General Order No. 72 of this Commission; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

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

(4) If said crossing shall not have been widened 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.

(5) 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 is given with the provision that it shall not be used as an argument by either of the interested parties as a reason for not separating the grades of the highway and railroad at this location if evidence should be presented to the Commission showing that public safety demands such separation.

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

Dated at San Francisco, California, this 8th day of

February, 1927.

[Signature]
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Commissioners.