

Decision No. 18362.

CONFIDENTIAL

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 spur track across Franklin Street and across track of the San Jose Railroads in Franklin Street and a proposed drill track across Franklin Street and across track of the San Jose Railroads in said Franklin Street and across Bellomy Street, in the City of Santa Clara, County of Santa Clara, State of California.) Application No. 13733.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 26th day of April, 1927, asking for authority to construct tracks at grade across Franklin and Bellomy Streets and across a track of Peninsular Railway Company (referred to in the application as a track of San Jose Railroads,) in Franklin Street, all in the City of Santa Clara, County of Santa Clara, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution dated April 4, 1927,) has been granted by the Board of Trustees of said City for the construction of said crossings of Franklin and Bellomy Streets at grade, and said Peninsular Railway Company has signified that it has no objection to the construction of the crossing of its track in Franklin Street. 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 grade separations or to avoid grade crossings at the points mentioned in this application with said Franklin and Bellomy Streets, or with said track of Peninsular Railway Company, 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 its tracks at grade across Bellomy and Franklin Streets in the City of Santa Clara, County of Santa Clara, State of California, at the locations hereinafter particularly described and as shown by the map (Coast Division Drawing No. 70,086) attached to the application.

DESCRIPTION OF CROSSINGS.

Beginning at a point on the northwesterly line of Bellomy Street distant northeasterly thereon 135 feet more or less from the northeasterly line of Campbell Avenue, thence in an easterly direction on curve concave to the left and crossing Bellomy Street to a point on the southeasterly line of Bellomy Street distant northeasterly thereon 180 feet more or less from the northeasterly line of Campbell Avenue.

Beginning at a point on the northwesterly line of Franklin Street distant northeasterly thereon 25 feet more or less from the intersection of said northwesterly line with the northeasterly line of Campbell Avenue produced; thence in a southeasterly direction crossing Franklin Street to a point on the southeasterly line of Franklin Street said point being distant northeasterly thereon 10 feet more or less from the northeasterly line of Campbell Avenue.

Beginning at a point on the northwesterly line of Franklin Street distant northeasterly thereon 40 feet more or less from the intersection of said northwesterly line with the northeasterly line of Campbell Avenue produced; thence in a southeasterly direction crossing Franklin Street to a point on the southeasterly line of Franklin Street said point being distant northeasterly thereon 40 feet more or less from the northeasterly line of Campbell Avenue.

The above crossings of Franklin Street shall be identified as Crossing No. EM-44.35-C.

Said crossings to be constructed subject to the following conditions, namely:

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

(2) Said crossings of Franklin Street 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 without superelevation and of a width to conform to those portions of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) The entire expense of constructing the crossing of Bellomy Street together with the cost of its maintenance thereafter shall be borne by applicant.

(4) Said crossings shall be so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of roadway along said Bellomy Street shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

(5) This order is made upon the express condition that Bellomy Street is not now actually constructed and open to travel at the point of crossing, and said order shall not be deemed an authorization for the construction of an opening of said street to public use across said railroad track.

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

construct two tracks at grade across a track of Peninsular Railway Company in Franklin Street in the City of Santa Clara, County of Santa Clara, State of California, at the location described herein and as shown by the map attached to the application.

Said crossings to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossings together with the cost of their maintenance thereafter shall be borne by applicant.

IT IS HEREBY FURTHER ORDERED that all crossings herein authorized shall be subject to the following conditions:

(1) Applicant shall remove the track shown in yellow on the map attached to the application, in so far as it lies in Franklin Street; and shall repair the street to conform to the adjacent portion of said Franklin Street.

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

(3) If said crossings 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.

(4) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 May, 1927.

H. A. Roundige
C. Seavey
Leon C. Bell
David S. Kautz

Commissioners.