

Decision No. 18992.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PENINSULAR RAILWAY COMPANY for certain) Application No. 13881
 exemptions from General Order No. 75.)

C. W. Cornell for Applicant.

BY THE COMMISSION -

OPINION

Peninsular Railway Company, a corporation, has petitioned the Railroad Commission for an order authorizing (1) exemption from installing signs at crossings under the requirements of Sections IV and V of this Commission's General Order No. 75 as regards certain crossings as hereinafter set forth; (2) approval of a certain type of numbering for identification of public crossings as specified in Section III of said General Order, said proposed style of numbering to be as shown on Exhibit "B" attached to the application; and (3) approval of a design of sign shown on Exhibit C. S. 12 attached to the application, which signs are to be posted or erected at private crossings in accordance with the requirements of Section IV of General Order No. 75.

A public hearing on this application was conducted by Examiner Handford at San Francisco, at which time the matter was duly submitted for decision.

Exemption from the requirement to install standard crossing signs at public crossings, as required under Section V of General Order No. 75, is requested by applicant at the following locations:

LINES OPERATED ON THE APPROXIMATE CENTER OF STREETSLine 66 (Southern Pacific Depot San Jose to Meridian)

- 1- On Bassett Street in the City of San Jose from Market Street to Old Market.
- 2- On Old Market in the City of San Jose from Bassett Street to Julian Street.

- 3- On Julian Street in the City of San Jose from Market Street to Old Market.
- 4- On Market Street in the City of San Jose from Bassett Street to San Carlos Street.
- 5- On San Carlos Street in the City of San Jose from Market Street to West City Limits near Sunol Street. (The "Boulevard Stop" rule is in effect on San Carlos between Market and Royal Street,)

- 6- On San Carlos Street (Stevens Creek Road) from the West City Limits of San Jose to Race Street.

- Line 66J (Park and Market to Meridian Road and San Carlos)

- 7- On Park Avenue in the City of San Jose from Market Street to Meridian Road.
- 8- On Meridian Road from Park Avenue to San Carlos Street (Stevens Creek Road).
- 9- Josefa Street in the City of San Jose from Park Avenue to San Carlos Street.

Line 66C (Meridian to Congress Springs)

- 10- On Santa Clara and Saratoga Road from a point near Fruitvale Station to Saratoga Junction.
- 11- On Main Street in the Town of Saratoga from Saratoga Junction to the Westerly end of Main Street.

Line 66 E (San Jose to Los Gatos)

- 12- On Bird Avenue in the City of San Jose from San Carlos Street to the City Limits at Coe Avenue.
- 13- On Coe Avenue from Bird Avenue to Lincoln Avenue.
- 14- On Lincoln Avenue from Coe Avenue to Willow Street.
- 15- On Willow Street from Lincoln Avenue to Meridian Road.
- 16- On Meridian Road from Willow Street to Hamilton Avenue.
- 17- On San Jose Avenue in the City of Los Gatos from the East City Limits to Main Street.
- 18- On Main Street in the City of Los Gatos from San Jose Avenue to Santa Cruz Avenue.

Line 66 D (Los Gatos to Saratoga)

- 19- On Santa Cruz Avenue in the City of Los Gatos from Main Street to Saratoga Avenue.
- 20- On Saratoga Avenue in the City of Los Gatos from Santa Cruz Avenue to the West City Limits.
- 21- On Saratoga-Los Gatos Road from the West City Limits of Los Gatos to Ridge Crest Avenue.

Line 66 F (Mayfield Junction to Palo Alto)

- 22- On Main Street from beginning of private right of way at Mayfield Junction in the City of Palo Alto to the City Limits at Stanford Avenue.
- 23- On University Avenue in the City of Palo Alto from the State Highway to the end of track.

The above locations are shown in red on a map marked Exhibit "A" as attached to and forming a portion of the application herein.

Exemption from the requirements to install private crossing signs at private crossings, as required under Section IV of General Order No.75, is desired at the following locations where lines are operated along the sides of public streets or roads -

LINES OPERATED ON AND ALONG THE SIDES OF STREETS

Line 66 (Southern Pacific Depot San Jose to Meridian)

- 24- On San Carlos Street (Stevens Creek Road) from Race Street to Meridian Road.
- 25- On Stevens Creek Road from Bascome to Meridian.

Line 66 C (Meridian to Congress Springs)

- 26- On Santa Clara-Saratoga Road from Meridian to a point near the Station of Fruitvale.
- 27- On the Saratoga-Congress Springs Road from the Westerly end of Main Street, Saratoga to Congress Springs.

Line 66 E (San Jose to Los Gatos)

- 28- On Hamilton Avenue from Meridian Road to the San Jose-Los Gatos Road.
- 29- On the San Jose-Los Gatos Road from Hamilton Avenue to Campbell Avenue.

- 30- On the San Jose and Los Gatos Road from Cambrian to the North City Limits of Los Gatos.

Line 66 D (Los Gatos to Saratoga)

- 31- On the Saratoga-Los Gatos Road from Ridge Crest Avenue to Saratoga Junction.

Line 66 F (Mayfield Junction to Palo Alto)

- 32- On the State Highway from Stanford Avenue to University Avenue.

These locations are shown in yellow on the map marked Exhibit "A" as attached to and forming a portion of the application herein.

Applicant desires exemption from the installation of crossing signs at the crossings on sections numbered 1 to 23, inclusive, as hereinabove listed, alleging as justification that the car lines at these locations are operated on the approximate centers of city streets, where the speed of cars or trains is regulated by ordinance and where vehicular traffic is controlled in many instances by safety stop regulations. Applicant states that exemption from the requirements to install private signs at the crossings on sections numbered from 24 to 32, inclusive, as above listed, is requested for the reason that the applicant's tracks at these locations are laid on one side of a public road or street, which location requires numerous crossings to reach adjoining private property; and that while said crossings may have the general appearance of being private, it is evident that as the crossings are on public land they are not private crossings in the usual sense and that no property rights can be preserved by placing the signs required under Section IV of the General Order.

Assistant Engineer H. L. Engelhardt, of the Commission's staff, inspected the crossings covered by this proceeding and made a report thereon, which report was submitted as Exhibit No. 1 herein. In this report recommendations are made as to the

protection, or exemption from protection, of the various crossings listed in the preceding paragraphs. No objection was raised by applicant to the recommendations set forth in the report (Exhibit No.1), and there appears to be no reason why they should not be adopted. Likewise, the manner in which applicant proposes to show crossing numbers on crossing sign posts, shown on Exhibit "B" attached to the application, and the type of signs proposed for private crossings, as shown on Exhibit C.S. 12 attached to the application, appear satisfactory and should, therefore, be approved.

O R D E R

A public hearing having been held on the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised,

IT IS HEREBY ORDERED that Peninsular Railway Company, a corporation, be and it hereby is directed to protect the public and private crossings on the sections of its line as listed in the foregoing opinion and numbered from 1 to 25, inclusive, and from 24 to 32, inclusive, respectively, in the manner as recommended in the report filed in this proceeding by the Engineering Department of this Commission as Exhibit No.1.

IT IS HEREBY FURTHER ORDERED that the "Method of showing identification numbers on railroad crossing sign posts at public crossings," as shown on Exhibit "B", attached to the application, and the types of "private" crossing signs shown on Exhibit C.S. 12, attached to the application, be and they hereby are approved as conforming to the requirements of Sections III and IV of General Order No.75 of this Commission.

This order shall become effective on the date hereof.
Dated at San Francisco, California, this 3d day of ^{November} October, 1927.

Wm. H. ...
Wm. H. ...
Leon ...
Thos. ...
Wm. ...

COMMISSIONERS.