

Decision No. 19153

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Peninsular Railway Company, a corporation, and San Jose Railroads, a corporation, for certificate of public convenience and necessity to exercise rights and privileges under franchises heretofore granted, to operate freight and passenger cars over the electric lines of the San Jose Railroads along King Road north-erly to Berryessa Road, in the County of Santa Clara, State of California.

ORIGINAL

Application No. 14217.

Mr. William F. James, for Applicants.

LOUTTIT, COMMISSIONER:

O P I N I O N

In the above entitled application Peninsular Railway Company and San Jose Railroads seek a certificate of public convenience and necessity to exercise the rights and privileges of franchises heretofore granted by the City of San Jose and the County of Santa Clara to Peninsular Railway Company for the construction and operation of an electric railroad over, along and upon King Road, near the easterly city limits of San Jose.

The franchise from the City of San Jose, referred to, is Ordinance No. 1867, passed by the City Council on the 2nd day of April, 1923, granting authority to construct, maintain and operate a single track, standard gauge railroad in the City of San Jose, in a location described in the franchise as follows:

Commencing at a point in the center line of Santa Clara Street (formerly Alum Rock Avenue) which is 500 feet westerly from the point of intersection of said center line with the center line of King Road, and running thence easterly along said center line of Santa Clara Street to a point 338 feet westerly from said

center line of King Road and thence curving to the left (crossing the center line of King Road at a point 237 feet northerly from the intersection of the center line thereof with the center line of Santa Clara Street) to a point 10 feet westerly from the easterly line of King Road, which is 329 feet (measured parallel to said easterly line of King Road) northerly from the center line of Alum Rock Avenue.

The franchise of the County of Santa Clara, referred to, is an ordinance passed by the Board of Supervisors of that county on the 2nd day of April, 1923, granting to Peninsular Railway Company the right to construct, maintain and operate a single track, standard gauge electric railroad in the County of Santa Clara, along a route described in the franchise as follows:

Commencing at a point in the center line of King Road 237 feet northerly from the intersection of said center line of King Road with the center line of Alum Rock Road and thence curving to the left to a point 10 feet westerly from the easterly line of King Road and 329 feet (measured parallel to said easterly line of King Road) northerly from the center line of Alum Rock Avenue; thence northerly and parallel to said easterly line of King Road and 10 feet westerly therefrom, 2237 feet to a point 100 feet northerly from the northerly line of McKee Road; thence by a reverse curve to a point on the westerly side of King Road 10 feet easterly from the westerly line thereof and 348 feet measured parallel to said westerly line of King Road northerly from the northerly line of McKee Road, thence northerly parallel to said westerly line of King Road and 10 feet easterly therefrom 6073 feet to a point 242 feet (measured parallel to the said westerly line of said King Road and the northerly extension thereof) southerly from the center line of Berryessa Road; thence on a proper curve to the right to a point on the easterly line of King Road 129 feet (measured along said easterly line of King Road and the northerly extension thereof) southerly from the center line of Berryessa Road.

A public hearing was held in this matter in San Francisco, on November 25th, 1927, at which time testimony, oral and documentary, was introduced. From the record in this proceeding, it appears that public convenience and necessity require the exercise of the rights granted in the above described franchises and that the certificate sought should be granted.

The following form of order is recommended:

O R D E R

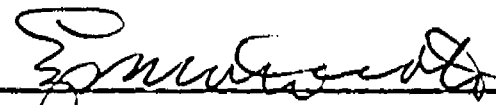
Peninsular Railway Company and San Jose Railroads, having made application to this Commission for a certificate of public convenience and necessity authorizing them to exercise the rights and privileges granted to Peninsular Railway Company by the City of San Jose in Ordinance No. 1867, dated April 2nd, 1923, and by the County of Santa Clara in an ordinance dated April 2nd, 1923, a public hearing having been held, and the matter having been submitted and now being ready for decision, therefore

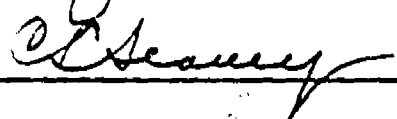
IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the exercise by Peninsular Railway Company and San Jose Railroads of the rights, privileges and franchises granted in the above described ordinances; and,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Peninsular Railway Company and San Jose Railroads to exercise said rights, privileges and franchises granted in the above described ordinances of the City of San Jose and the County of Santa Clara.

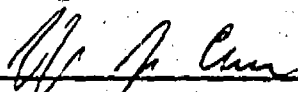
The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 23<sup>rd</sup> day of December, 1927.

  
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Commissioners.