

NAW: IR

Decision No. 19245

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application )  
of THE COUNTY OF SANTA CLARA and )  
LEON M. GOVE, for permission to )  
construct a grade crossing. )

Application No. 14235.

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of Santa Clara, State of California, filed the above entitled application with this Commission on the 25th day of November, 1927, asking for authority to construct a public road, known as El Camino Grande, at grade across the track of Peninsular Railway Company, in the vicinity of Saratoga, as hereinafter set forth. Said Peninsular Railway Company has signified by letter that it has no objection to the construction of said crossing at grade, and 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 with said track at the point mentioned in this application, 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 the Board of Supervisors of the County of Santa Clara, State of California, to construct a public road at grade across the track of Peninsular Railway Company at a point approximately 1.9 miles east of Saratoga between Fruitvale Avenue and Quito Road on the Saratoga-Los Gatos line of said company, as shown by the map attached to the application.

The above crossing shall be identified as Crossing No. 66-D-1.9.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Peninsular Railway Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Peninsular Railway Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed substantially in accordance with Standard No. 2, 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) The first row of trees adjacent to the County Road leading from Saratoga to Los Gatos on the property lying southeasterly from the proposed crossing shall be removed for a distance of 100 feet from the southeasterly side of said crossing.

(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 11<sup>th</sup> day of January, 1928.

Leon Whitely  
C. Seawing  
Edmund Scott  
Paul D. Courtis

Commissioners.