

NAW:IR

Decision No. 19495

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the Peninsular Railway Company, a corporation, to construct at grade a passing track siding across Laswell and Vaughn Avenues, at the intersection of said Laswell and Vaughn Avenues with the Stevens Creek Road and the private right-of-way of the Peninsular Railway Company, in the County of Santa Clara, State of California.

Application No. 14395.

BY THE COMMISSION:

O R D E R

Peninsular Railway Company, a corporation, filed the above entitled application with this Commission on the 1st day of February, 1928, asking for authority to construct a passing track at grade across Laswell and Vaughn Avenues in the vicinity of San Jose, County of Santa Clara, State of California, as hereinafter set forth. 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 avenues 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 Peninsular Railway Company to construct a passing track at grade across Laswell and Vaughn Avenues in the vicinity of San Jose, County of Santa Clara, State of California, at the locations hereinafter particularly described and as shown

by the map attached to the application.

The above crossing of Laswell Avenue shall be identified as Crossing No. 66-A-2.1 and that of Vaughn Avenue as 66-A-2.2.

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 in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings 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 avenues now graded, with the tops of rails at same elevation as main line rails and flush with the roadway and with grades of approach not exceeding three (3) 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) 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.

(5) 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 20th day of March, 1938.

Leon A. Wall

C. Seamy

Paul S. Lewis

M. J. Lee

Commissioners.