

Decision No. 19757.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the matter of application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of a side track across Brokaw Road, in the City of Santa Clara, County of Santa Clara, State of California.

Application No. 14656.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 30th day of April, 1928, asking for authority to construct a yard track at grade across Brokaw Road 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 17, 1928) has been granted by the Board of Trustees of said City for the construction of said crossing at grade. 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 at the point mentioned in this application with said Brokaw Road 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 a yard track at grade across Brokaw Road in the City of Santa Clara, County of Santa Clara, State of California, at the location herein-after particularly described and as shown by the map (Coast Division Drawing 23033) attached to the application.

DESCRIPTION OF CROSSING

Beginning at a point on the northwesterly line of Brokaw Road, distant thereon 217 feet more or less northeasterly from the northerly line of Railroad Avenue, produced; thence in an easterly direction across Brokaw Road to a point on the southeasterly line thereof.

The above crossing shall be identified as a portion of Crossing No. E.M. 44.3.

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

- (1) The entire expense of constructing the crossing together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.
- (2) Said crossing shall be constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said road now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding three (3) per cent; shall be protected by Standard No. 1 crossing signs as specified in General Order No. 75 of this Commission and shall in every way be made suitable 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 in-

stallation of said crossing.

(4) 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.

(5) 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 11th day of May, 1928.

Leon Whittell
Chairman
David L. ...
Commissioners.