

Decision No. 20261**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of Peninsular Railway Company for
an Order Authorizing the Construc-
tion at Grade of a Spur Track in,
along and across King Road, the
southwesterly half of which said
King Road is in the City of San Jose,
County of Santa Clara, State of
California.

Application No. 15,050.

BY THE COMMISSION:

ORDER

Peninsular Railway Company, a corporation, filed the above entitled application with this Commission on the 15th day of September, 1928, asking for authority to construct a spur track at grade across a portion of King Road lying partly in the City of San Jose, County of Santa Clara and partly in the unincorporated portion of the County of Santa Clara, State of California, as hereinafter set forth. The necessary permits have been granted by the City Council of said City and the Board of Supervisors of said County 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 King 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 Peninsular Railway Company to construct a spur track at grade across a portion of King Road lying

partly in the City of San Jose, County of Santa Clara and partly in the unincorporated portion of the County of Santa Clara, State of California, at the location hereinafter particularly described and as shown by the map attached to the application.

DESCRIPTION OF CROSSING

Beginning at a point in the center line of Peninsular Railway Company's main line on King Road, said point being 603 feet northwest of the center line of Alum Rock Avenue and King Road;

Thence running southwesterly through switch 75 ft. to point of curve;

Thence to the right through a curve of 200 ft. radius 36 ft. to the center line of King Road, being the line of the City Limits to the City of San Jose;

Thence continuing on the same curve of 200 ft. radius a distance of 30 feet;

Thence to the left through a curve of 200 ft. radius 30 ft. to the westerly line of King Road, connecting at the last mentioned point on the westerly line of King Road with the property of Peninsular Railway Company, which said point is 385 feet northwest from the property line at the northwest corner of the intersection of Alum Rock and King Road.

The above crossing shall be identified as a portion of Crossing No. 66-G.G. 0.06.

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. 2, in General Order No. 72 of this Commission and shall be constructed without superelevation and 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 one (1) per cent; shall be protected by a Standard No. 1 crossing sign 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 installation 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 26th day of September, 1928.

Leon Whitwell

C. Seavey

Frank R. ...

M. ...
Commissioners.