

Decision No. 21157 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of Southern Pacific Company for an order authorizing the construction at grade of a spur track across Fair Oaks Road, shifting the location of an existing spur track across said Fair Oaks Road and shifting the location of an existing additional spur track across Central Avenue, in the City of Sunnyvale, County of Santa Clara, State of California.

Application No. 15,603

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 8th day of May, 1929, asking for authority to construct spur tracks at grade across Central Avenue and Fair Oaks Road in the City of Sunnyvale, County of Santa Clara, State of California, as hereinafter set forth: The necessary franchise or permit (Resolutions No. 274 and No. 275) has been granted by the Board of Trustees of said City for the construction of said crossings 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 grade separations or to avoid grade crossings at the points mentioned in this application with said Central Avenue and Fair Oaks 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 spur tracks at grade across Fair Oaks Road and Central Avenue in the City of Sunnyvale, County of Santa Clara, State of California, at the locations hereinafter particularly described and as shown by the map, Coast Division Drawing No. 20263, attached to the application.

DESCRIPTION OF CROSSINGS

Fair Oaks Road:

Beginning at a point on the easterly line of Fair Oaks Road distant southerly thereon 13 feet more or less from the southerly right of way line of the Southern Pacific Railroad Company, thence in a westerly direction on a curve concave to the right and crossing Fair Oaks Road a distance of 51 feet more or less to a point on the westerly line thereof, distant southerly thereon 24 feet more or less from said southerly right of way line.

Also beginning at a point on the easterly line of Fair Oaks Road distant southerly thereon 5 feet more or less from the southerly right of way line of the Southern Pacific Railroad Company, thence in a northwesterly direction and crossing Fair Oaks a distance of 51 feet more or less to a point on the westerly line thereof distant southerly thereon 9 feet more or less from said southerly right of way line.

The above crossings shall be identified as a portion of Crossing No. E-39.3.

Central Avenue:

Beginning at a point on the westerly line of Central Ave., distant southerly thereon 2.5 feet more or less from the southerly line of Evelyn Ave., thence in an easterly direction on a curve concave to the left and crossing said Central Ave. a distance of 61 feet more or less to a point on the easterly line thereof, distant southerly thereon 36.6 feet more or less from the northerly line of Evelyn Avenue.

The above crossing shall be identified as Crossing No. E-39.1-C.

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

(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 super-elevation and of a width to conform to those portions of said streets now graded, with the tops of rails flush with the roadway, and with grades of approach not exceeding one (1) 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 remove the tracks shown in yellow on the map attached to the application in so far as they lie in Central Avenue and Fair Oaks Road and shall repair the street to conform to the adjacent portions thereof.

(4) No train, engine, motor or car shall be operated over said crossings at Fair Oaks Road unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(5) Two automatic flagmen conforming with Standard No. 3 of this Commission's General Order No. 75, so equipped as to provide warning of the approach of a second train, shall be

installed and maintained for the protection of the crossings of Fair Oaks Road with the main line tracks adjacent to the crossings with said Fair Oaks Road herein authorized.

(6) Applicant shall, within thirty (30) days thereafter notify this Commission, in writing, of the completion of the installation of said crossings.

(7) 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.

(8) 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 24th day of May, 1929.

Paul S. Leland
Clarence
Emmert

Commissioners.