

Decision No. 21426.

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 upon and across Olive Street, in the City of Palo Alto, County of Santa Clara, State of California.

Application No. 15827.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 26th day of July, 1929, asking for authority to construct a spur track at grade across Olive Street in the City of Palo Alto, County of Santa Clara, State of California, as hereinafter set forth. It appears to the 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 Olive Street, 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 spur track at grade across Olive Street in the City of Palo Alto, County of Santa Clara, State of California, at the location hereinafter particularly described and as shown by the map (Coast Divn. Drawing 23929) attached to the application.

DESCRIPTION OF CROSSING.

Beginning at a point on the northwesterly line of Olive Street, distant northeasterly thereon 85 feet more or less from the northerly line of Third Street, thence in a southeasterly direction on a curve concave to the left and crossing said Olive Street to a point on the southeasterly line thereof.

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

1. Applicant shall within ninety(90) days submit a certified copy of a franchise or permit from the City of Palo Alto for the construction of said crossing at grade, and in the event that this is not done, the authorization herein granted for the installations of said crossing shall lapse and shall thereupon become null and void and of no further force and effect.
2. 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.
3. Said crossing shall be so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of roadway along said Olive Street shall hereafter be authorized and so that said grade crossing may be made suitable for the passage thereover of vehicles and other road traffic.
4. This order is made upon the express condition that Olive Street is not now actually constructed and open to travel at the point of crossing, and said order shall not be deemed an authorization for the construction of an opening of said street to public use across said railroad track.

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

6. 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.

7. 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 9<sup>th</sup> day of August, 1929.

Thomas D. Larkin

Leon White

A. M. Burr

Commissioners.