

ORIGINAL

Decision No. 21745.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of the Board of Supervisors of  
the County of Santa Clara for per-  
mission to construct a road in  
Laurelwood Subdivision across the  
right of way and tracks of the  
Southern Pacific Company.

Application No. 16007.

BY THE COMMISSION:

ORDER

Board of Supervisors of the County of Santa Clara, State of California, having on October 11, 1929, filed with the Commission an application for permission to construct a public road connecting Kifer Road and Hoffman Road located between Santa Clara and Agnew at grade across the tracks of Southern Pacific Company, hereinafter called the Railroad, in said County of Santa Clara, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the Railroad has signified by letter that it has no objection to the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said track, and that the application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED that permission be and it is hereby granted the Board of Supervisors of the County of Santa

Clara, State of California, to construct Kifer Road at grade across track of the Southern Pacific Company at location approximately three thousand one hundred (3100) feet, measured in a southerly direction along the center line of said Southern Pacific Company's right-of-way, from a point marking the intersection of the center lines of the Southern Pacific Company's right-of-way and the Santa Clara and Alviso Road of Santa Clara County, as shown by the map attached to Application No. 9461.

The above crossing shall be identified as Crossing No. L-43.3.

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

(1) The entire expense of constructing the crossing, shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of eighty (80) degrees to the railroad and with grade of approach not greater than four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) An automatic wig-wag, conforming with Standard No. 3 of the Commission's General Order No. 75, shall be installed for the protection of said crossing. The cost of installing wig-wag shall be borne by applicant and the maintenance by Southern Pacific Company.

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

(5) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) 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.

(7) The three existing private crossings located approximately thirteen hundred (1300) feet, twenty-four hundred and twenty (2420) feet, and fifty six hundred and ten (5610) feet, respectively, measured in a southerly direction along the center line of the Southern Pacific Company's right of way from the crossing asked for in this application shall be abandoned and effectively closed after the completion of the crossing applied for herein.

(8) The County of Santa Clara shall legally abandon whatever rights it now holds in the crossing with said track located approximately twenty-one hundred and fifty (2150) feet northerly from the crossing herein authorized and shall file with this Commission a copy of the resolution under which

such abandonment is made.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 1st day of November, 1929.

Frank L. Smith

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Leon Whitely

M. J. ...

Commissioners.