

Decision No. 22804.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
The People of the State of California)
on relation of the Department of Pub-)
lic Works, Division of Highways, for)
an order authorizing the alteration)
of a State Highway crossing at grade)
over the tracks of the Southern Paci-)
fic Company at Palo Alto (Mayfield),)
Santa Clara County, California.)

ORIGINAL

Application No. 16654.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

Conferences have been held concerning the protection to be provided at this crossing, the improvement of which was authorized in the above entitled proceeding by Decision No. 22724. It appears that the representatives of interested parties are agreeable to the installation of an automatic crossing gate for trial and experimental purposes at this crossing and that the cost of the same be apportioned between the City of Palo Alto, the Department of Public Works, Division of Highways, State of California, and Southern Pacific Company, in such amount as may be considered fair and equitable by this Commission.

It appears to the Commission that valuable information as to the operation of the automatic crossing gate will be secured through the proposed trial installation. This supplemental order will provide for such a test with the understanding that the installation will be subject to careful inspection and such adjustments and modifications as may be considered necessary, or, in the event that the experience of the trial so indicates, the removal of the gate and the substitution of some other form of protection will be ordered.

IT IS HEREBY ORDERED that said Crossing No. EN-32.3 of Road IV-SCL-2A at grade across the tracks of the Peninsular Railway Company and Southern Pacific Company, as authorized for improvement by Decision No. 22724, dated August 4th, 1930, in this proceeding, be protected by the installation of an automatic crossing gate of a yielding type for trial and experimental purposes and until further order of this Commission, subject to the following conditions:

(1) The installation shall be made by Southern Pacific Company. The cost of the same shall be borne as follows:

Department of Public Works, Division of Highways, State of California,	\$800.00
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City of Palo Alto	\$250.00
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Southern Pacific Company and Peninsular Railway Company the remainder, divided in such amounts as may be agreed upon by the two railroads.

(2) Plans shall be submitted by Southern Pacific Company for the proposed installation within sixty (60) days and the gates shall be installed within one hundred twenty (120) days from the date of this order.

(3) The existing wigwag at this crossing shall be maintained in operation until otherwise directed by the Commission or its engineers.

(4) Southern Pacific Company shall be responsible for and perform the maintenance of the crossing gates. Careful accounting shall be kept by Southern Pacific Company of all moneys spent for the maintenance of the gates. The division of cost of maintenance shall be in accordance with the terms of an agreement to be entered into between the parties or, in the event the parties are unable to agree, the cost shall be borne by Southern Pacific Company pending a trial of the installation and subsequent division of costs by the Commission in the light of the actual experience.

(5) During this test Southern Pacific Company shall make any and all changes in the operation of the gates as requested by the Commission's engineers.

(6) The Commission reserves the right to make such further orders, relative to the location, construction, operation and maintenance of said crossing gate, 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.

In all other respects this Commission's order heretofore entered in the above entitled proceeding shall remain in full force and effect.

Dated at San Francisco, California, this 22^d day of August, 1930.

C. Seaver

W. J. Lewis

W. J. Lewis

Commissioners.