

Decision No. 23358.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

TOWN OF LOS GATOS,)
a municipal corporation,)
)
Complainant,)
)
vs.)
)
SOUTH PACIFIC COAST RAILWAY)
COMPANY, a corporation, and)
SOUTHERN PACIFIC COMPANY,)
)
Defendants)

ORIGINAL

Case No. 2547.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

The Town of Los Gatos filed a supplemental application in the above entitled proceeding on January 29th, 1931, wherein the Commission is requested to reconsider and grant the town's application for permission to improve and widen the grade crossings of Gray's Lane and Royce Street, respectively, over the tracks of the South Pacific Coast Railway Company, operated by Southern Pacific Company, in the Town of Los Gatos.

The railroad company has advised, by letter of January 28th, that it does not now desire to oppose the granting of the application as now requested by the Town of Los Gatos. The company, however, takes the position that the town should bear the expense of constructing the crossings between lines two (2) feet outside of the outside rails for those portions of the new crossings outside the limits of the existing traveled roadways over the tracks.

From the information now before us in this matter, with due consideration to the fact that the two crossings involved have been in use by the public for a number of years, together with the fact that the railroad does not now oppose the granting of the town's request for public crossings at these locations, we reach the conclusion that the former order in Decision No. 20561, dated December 6th, 1928, in this proceeding should be modified, in so far as it pertains to the crossings of Gray's Lane and Royce Street, and that a supplemental order should be issued granting the town's request for public crossings at these two locations; further, that the railroad should bear the expense of improving the crossings between lines two (2) feet outside of the outside rails for the entire width of the crossings; therefore,

IT IS HEREBY ORDERED that the Commission's order in said Decision No. 20561 is hereby rescinded, in so far as it deals with the application for public crossings at Gray's Lane and Royce Street, respectively, over the tracks of the Southern Pacific Company in the Town of Los Gatos.

IT IS HEREBY FURTHER ORDERED that permission and authority is hereby granted to the Town of Los Gatos and Southern Pacific Company to widen and improve the crossings of Gray's Lane and Royce Street with the tracks of Southern Pacific Company in the Town of Los Gatos, County of Santa Clara, in accordance with the plan attached to the application, subject to the following conditions:

- (1) The crossings shall be constructed to the total width of said Gray's Lane and Royce Street, respectively, and constructed substantially in accordance with Standard No. 3, as specified in General Order No. 72 of this Commission, and shall be made safe for the passage thereon of vehicles and other road traffic.
- (2) The entire cost of constructing and the future maintenance of those portions of the crossings within lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company and the cost of construction and the future

maintenance of those portions of the crossings outside of lines two (2) feet outside of the outside rails shall be borne by the Town of Los Gatos.

- (3) Southern Pacific Company shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.
- (4) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, 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 crossings as to it may seem right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

In all other respects Decision No. 20561 shall remain in full force and effect.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 22 day of February, 1931.

C. S. Sweeney
Leon Whitely
W. P. Cunniff
W. B. Haines
Fred G. Stewart
Commissioners.