

Decision No. 23638.

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 Public Works, Division of Highways, for an order authorizing the reconstruction of a crossing at grade over a spur track of the Peninsular Railway, near the northerly city limits of San Jose, in Santa Clara County.

ORIGINAL

Application No. 17279.

BY THE COMMISSION:

ORDER

The People of the State of California, on relation of the Department of Public Works, Division of Highways, on March 31, 1931, applied for authority to construct a state highway known as Road IV-SCL-5-A at grade across a spur track of Peninsular Railway Company, operated by Southern Pacific Company, in the vicinity of the City of San Jose, Santa Clara County. Peninsular Railway Company on April 17, 1931, signified, in writing, that it has no objection to the construction of said crossing at grade. It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said track at the point mentioned and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, Division of Highways, are hereby authorized to construct a state highway at grade across a spur track of Peninsular Railway Company at the

location shown by the map attached to the application, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. DA-45.5-C.
- (2) The entire expense of constructing the crossing, excepting the cost of raising the track to proper elevation, shall be borne by applicant. The cost of raising the track to proper elevation shall be borne by Peninsular Railway Company. The cost of maintenance of that portion of said crossing outside of 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 Peninsular Railway Company.
- (3) The crossing shall be constructed substantially in accordance with the plan attached to the application; shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72; shall be protected by a Standard No. 1 crossing sign, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (5) 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.
- (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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 27th day of April, 1931.

Cl. Seaman
Leon Whidbey
W. J. Linn
M. B. Harris
Frederic G. Stewart
Commissioners.