

ORIGINAL

Decision No. 17751.

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, for an order authorizing
 the reconstruction of the State High-
 way and the tracks of the Santa Cruz
 Branch of the Southern Pacific Railroad
 near San Jose, Santa Clara County.

Application No. 17751.

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on October 30, 1931, applied for authority to reconstruct a State Highway at grade across the track of Southern Pacific Company, in the vicinity of the City of San Jose, Santa Clara County. Southern Pacific Company, on November 17, 1931, signified, in writing, that it has no objection to the reconstruction of said crossing at grade. The application recites that the Department of Public Works proposes to bear the entire cost of widening and repaving the crossing, excepting the cost of raising the grade of the railroad track. 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, are

hereby authorized to reconstruct a State Highway at grade across the track of Southern Pacific Company at the location described in the application and as shown by the maps attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as a portion of Crossing No. L-49.7.
- (2) The entire expense of reconstructing the crossing, excepting the cost of raising the railroad track to proper elevation, shall be borne by applicant. The cost of raising the track shall be borne by Southern Pacific 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 Southern Pacific Company.
- (3) The crossing shall be constructed of a width of not less than thirty-six (36) feet and at an angle as shown on the map attached to the application and with grades of approach not greater than one (1) per cent; 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 7th day of ~~November~~ December, 1931.

Cl. Leamy
Leon Edwards
W. J. Cunn
M. B. Harris
Fred G. Stevens
Commissioners.