

Decision No. 17753.

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 author-
 izing the reconstruction of the existing
 crossing at grade of the State highway
 and the tracks of the Los Altos Branch
 of the Peninsular Electric Railway,
 near San Jose, Santa Clara County.

Application No. 17753.

BY THE COMMISSION:

O R D E R

ORIGINAL

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, known as Road IV-S.C.1-5-B, at grade across the track of Peninsular Railway Company, in the vicinity of the City of San Jose, Santa Clara County. Peninsular Railway Company, on December 11, 1931, signified, in writing, that it has no objection to the reconstruction of said crossing at grade and will agree to raise its tracks to conform with the new grade of the highway. 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 Peninsular Railway Company at the intersection of Bascom Avenue and Stevens Creek Road, Santa Clara County, and as

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. 66-A-2.05.
- (2) The entire expense of constructing the crossing, excepting the cost of preparing the track structure, shall be borne by applicant. The cost of raising and preparing the track for pavement shall be borne by Peninsular Railway Company. The cost of maintenance of that portion of said crossing 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 Peninsular Railway Company.
- (3) The crossing shall be constructed of a width to conform with the adjacent pavement and shoulders and with grades of approach not greater than two (2) 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 Standard No. 1 crossing signs, 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 21st day of December, 1931.

C. L. Sawyer
Leon ...
W. H. ...
W. B. ...
Fred G. ...
 Commissioners