

Decision No. ✓.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 1638

In the matter of the application of
BOARD OF SUPERVISORS of Santa Clara
County, California, for the estab-
lishment of a public road in Road
District Number Four, of said County,
such road to cross the tracks of
Southern Pacific Company.
.....

Application No. 1164.

G. D. Squires for Southern Pacific Company.

GORDON, Commissioner,

OPINION

On June 1, 1914, the BOARD OF SUPERVISORS of Santa Clara County, California, filed with the Commission a petition asking for permission to cross at grade the tracks of Southern Pacific Company in Road District Number Four, Santa Clara County, California. Said application was accompanied by a certified copy of the petition and of the order appointing viewers. This petition asked for permission to open McKendrie Street in College Park across six (6) tracks of the Southern Pacific Company. On June 25, 1914, a hearing was held in San Jose, at which the interested parties were represented. The streets open nearest to McKendrie Street are Hedding Street, about four hundred feet southeasterly, and Newhall Street, about thirteen hundred feet northwesterly from this proposed crossing. Of the six tracks to be crossed by said McKendrie Street, three are main line tracks, one is a passing track, one a drill track, and one a spur track to serve the Capitol Refining Company.

This is an exceedingly busy piece of track and the opening of an additional street across the right of way of the Southern Pacific Company would increase very much the hazard to human life and should be granted only under conditions guaranteeing proper protection and after urgent need had been shown for the same. At

the hearing it developed that the residents of Santa Clara in the vicinity of this crossing, which the opening of this street across the track would ^{directly} benefit, were not to exceed eight or ten. It was further shown that the inconvenience caused to these people by the lack of this street crossing is limited to an additional walk or drive of about four hundred feet. It appears, therefore, that the public convenience does not justify the opening of this street without the installation of expensive protective devices at this time; and it further appears that without such protective devices this proposed crossing would be extremely hazardous. For this reason I believe this application should be denied.

In this connection it seems proper to call the attention of the Southern Pacific Company to the condition of the existing crossings at Hedding and Newhall Streets, and I would recommend to them that these two crossings be re-surfaced and placed in a better condition for travel in the near future.

I submit the following order:

O R D E R

Application having been made by the BOARD OF SUPERVISORS of Santa Clara County, California, for permission to cross at grade the tracks of Southern Pacific Company in Road District Number Four, in said County, and said application having been accompanied by a certified copy of the petition and of the order appointing viewers; and a hearing having been duly held, and it appearing to the Commission that for the reason set forth in the foregoing opinion, said application should be denied,

IT IS HEREBY ORDERED, That this application be and the same is hereby denied.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission

of the State of California.

Dated at San Francisco, California, this 30th day of
June, 1914.

W. D. Loveland

Alex Gordon

Max Thelen

Edwin C. Edgerton

Commissioners.