

ORIGINAL

Decision No. 2035

Decision No. ✓.

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 Engi-  
neering for an order authorizing the  
construction of a state highway cross-  
ing over the tracks of the Southern  
Pacific Company, about six hundred  
(600) feet northerly from the crossing  
of the Oakland-San Jose Road at Milpitas,  
Santa Clara County, California.  
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Application No. 1997.

By the Commission.

O R D E R

The People of the State of California on relation of  
the Department of Engineering, having on December 6, 1915 filed  
with the Commission application for permission to construct a  
state highway at grade over the tracks of the Southern Pacific  
Company about six hundred (600) feet northerly from the crossing  
of the Oakland-San Jose Road at Milpitas, Santa Clara County,  
California, as hereinafter indicated; and it appearing to the  
Commission that this is not a case in which a public hearing is  
necessary; that applicant has secured an easement from the  
Southern Pacific Company granting permission for the construc-  
tion of said crossing at grade; and that it is not reasonable to  
avoid a grade crossing with the tracks of the Southern Pacific  
Company, and that this application should be granted subject to  
the conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be hereby granted  
the People of the State of California to construct a state highway  
crossing at grade over the tracks of the Southern Pacific Company  
about six hundred (600) feet northerly from the crossing of the  
Oakland-San Jose Road at Milpitas, Santa Clara County, California,

as shown by the map attached to the application and subject to the following conditions, viz:

(1) The entire expense of constructing this crossing at grade shall be borne by applicant.

(2) The expense of maintaining the crossing hereafter in good and first class condition for the safe and convenient use of the public, up to within two (2) feet of the tracks of the Southern Pacific Company, shall be borne by applicant.

(3) The Southern Pacific Company shall maintain said crossing over its tracks and to a distance of two (2) feet on the outside thereof.

(4) Said crossing shall be constructed of a width not less than twenty-four (24) feet, with grades of approach not exceeding four (4) per cent, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(5) The present crossing of the Oakland-San Jose Road about six hundred (600) feet southerly from this proposed crossing shall be legally closed and abandoned as a public highway crossing.

(6) For the protection of this crossing there shall be installed an automatic flagman of a type approved by the Commission. The expense of making this installation shall be borne by applicant, and the expense of its maintenance thereafter in first-class operating condition shall be borne by the Southern Pacific Company.

(7) 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, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 10<sup>th</sup> day of January, 1916.

Max Thelen

W. H. Loveland

W. H. Gordon

Frazer R. Derby

Commissioners.