

ORIGINAL

Decision No. 4316

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application)
of PENINSULAR RAILWAY COMPANY for)
permission to construct its track)
on Franklin Street at grade across)
a spur track of Southern Pacific)
Railroad Company in Santa Clara,)
Santa Clara County, California.)
.....

Application No. 2901.

By the Commission.

ORDER

PENINSULAR RAILWAY COMPANY, a corporation, having on May 9, 1917, filed with the Commission an application for permission to construct its track on Franklin Street at grade across a spur track of Southern Pacific Railroad Company in Santa Clara, 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 and Southern Pacific Railroad have agreed, under date of December 22, 1916, upon the terms of installation and operation of said crossing; and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said track of the Southern Pacific Railroad Company, and that this application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be hereby granted Peninsular Railway Company to construct its track on Franklin Street at grade across a spur track of Southern Pacific Railroad Company in Santa Clara, Santa Clara County, California, at the intersection of the right of way of the Southern Pacific Railroad Company with Franklin Street, near Gamble Avenue, as shown

by the map attached to the application; said crossing to be constructed subject to the following conditions, viz.:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition, for the safe and convenient use of the public, shall be borne by applicant, subject to the terms of the agreement hereinbefore mentioned.

(2) After the installation of the crossing frogs, all engines, trains, motors and cars of applicant shall, before passing over the crossing, come to a full stop and shall not proceed until conductor, or other employee, of applicant shall have gone upon the crossing, ascertained that it was safe to do so and given the proper signals.

(3) 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 17th day of May, 1917.

Max Thelen

W. H. Gordon

Edwin C. Edgerton

Franz R. Dehler

Commissioners.