

Decision No. 6654.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the application of  
PENINSULAR RAILWAY COMPANY, a corpora-  
tion, for permission to construct,  
maintain and operate a track at grade  
from its track on Saratoga Avenue near  
Prospect Road in the County of Santa  
Clara, State of California, across  
said avenue. )  
  ) Application No. 4912.  
  )  
  )  
  )

By the Commission.

O R D E R

PENINSULAR RAILWAY COMPANY, a corporation, having on September 2, 1919, filed an application with the Commission for permission to construct, maintain and operate a track at grade from its track on Saratoga Avenue near Prospect Road in the County of Santa Clara, State of California, across said avenue, as shown by the map attached to the application; and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the proposed crossing does not lie within the limits of an incorporated municipality and no franchise or permit is necessary for its construction at grade; and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said avenue, and that this application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be and the same is hereby granted PENINSULAR RAILWAY COMPANY to construct, maintain and operate a track at grade from its track on Saratoga

Avenue near Prospect Road in the County of Santa Clara, State of California, across said 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.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of the avenue to be crossed now graded, with grades of approach not exceeding four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(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 5<sup>th</sup>  
day of September, 1919.

Edwin O. Edgerton  
H. D. Loveland  
Frank R. Miller  
H. B. ...  
Irvine Martin  
Commissioners.