

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the matter of the application of PENINSULAR RAILWAY COMPANY for permission to construct its main line track at grade across Berryessa Road, Milpitas Road and Tenth Street, near the City of San Jose, Santa Clara County, California.

Application 658.

ORDER

By the Commission.

PENINSULAR RAILWAY COMPANY, a corporation, having on July 25, 1913, filed with the Commission its application for permission to construct its main line track at grade across Berryessa Road, Milpitas Road and Tenth Street, near the City of San Jose, 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 the necessary franchise or permit from the Board of Supervisors of said County to construct said track at grade across said streets or public highways; and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said streets or public highways, and that the 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 at grade across the following streets or public highways in Santa Clara County, California, in the vicinity of Luna Park near the northerly limits of the City of San Jose, as follows: -

- Crossing No. 1- North Tenth Street, between Rosa Street and Willow Street.
- Crossing No. 2- Milpitas Road, at the intersection of Milpitas Road and Berryessa Road.
- Crossing No. 3- Berryessa Road, at the intersection of Berryessa Road and Seventeenth Street.

All of the above as shown by the maps and profile attached to the

application, subject to the following conditions, viz.:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance hereafter in good and first-class condition for the safe and convenient use of the public shall be borne by applicant.

(2) Applicant shall provide the necessary plank or guard rails for said crossings and shall ballast same to a depth of not less than six (6) inches with first-class stone or gravel ballast. Said crossings shall be of a length sufficient to meet the demands of road traffic, in no case less than twenty-four (24) feet, with grades of approach not exceeding six (6) per cent.

(3) Said Company shall construct and maintain at its own expense for the protection of each of said crossings, a first-class, standard automatic flagman, which, upon the approach of a train, shall display a red light, said light to have the motion of an inverted pendulum, and which shall, at the same time, automatically sound a warning bell. Attached to the support of this device shall be a first-class, standard, highway crossing sign marked with appropriate black letters not less than six (6) inches in height, upon a white background.

(4) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 29th day of July, 1913.

John M. Schuman

Max Thelen

Edwin A. Edgerton