

Decision No. 27927.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
the People of the State of Califor- )  
nia, on relation of the Department )  
of Public Works, for an order auth- )  
orizing the construction of a cross- )  
ing at separated grades of the state )  
highway and the tracks of the South- )  
ern Pacific Railroad near Agnew, )  
Santa Clara County, California. )

Application No. 19836.

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on February 18, 1935, applied for authority to construct a public highway known as State Highway Route 68, at separated grades under the main track of Southern Pacific Company in the vicinity of Agnew, County of Santa Clara, State of California. Southern Pacific Company, on April 1, 1935, signified, in writing, that it has no objection to the construction of said undergrade crossing, provided the entire expense, including the cost of raising the track and reconstructing two grade crossings in the vicinity, is borne by applicant. This provision is agreeable to applicant.

It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the undergrade crossing be constructed and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that The People of the State of California, on relation of the Department of Public Works, are

hereby authorized to construct a public highway known as State Highway Route No. 68 at separated grades under the main tracks of Southern Pacific Company in the vicinity of Agnew, County of Santa Clara, State of California, at the location more particularly described in the application and substantially in accordance with and as shown by the plan attached to the application, subject to the following conditions:

1. The above crossing shall be identified as Crossing No. L-42.9-B.
2. The entire expense of constructing the crossing, including the cost of elevating the railroad track and reconstructing grade crossings Nos. L-42.8 and L-43.3 in a manner satisfactory to the Commission shall be borne by applicant. The cost of maintenance of sub-structure of the crossing herein authorized shall be borne by applicant and the cost of maintaining the super-structure shall be borne by Southern Pacific Company.
3. Prior to the beginning of construction of said grade separation, applicant shall file with the Commission a copy of an agreement with Southern Pacific Company covering the terms of construction and maintenance of said crossing.
4. Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
5. Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
6. The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED that applicant is hereby authorized to make such alterations as may be necessary to crossings Nos. L-42.8 and L-43.3, provided that said crossings be reconstructed of a type equal or superior to the type shown as

Standard No. 2 in our General Order No. 72, and with grades of approach not exceeding four (4) per cent.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 29<sup>th</sup> day of April, 1935.

Leon C. White

W. J. Linn

M. B. Linn

W. H. Linn

Oran R. Linn

Commissioners.