

Decision No. 28826.

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 Public Works, for an order authorizing the construction of a crossing at separated grades of Embarcadero Road and the tracks of the Southern Pacific Railroad, in the City of Palo Alto, County of Santa Clara, State of California.

Application No. 20208.

BY THE COMMISSION:

ORDER

ORIGINAL

The People of the State of California, on relation of the Department of Public Works, on October 25, 1935, applied for authority to construct a public highway known as Embarcadero Road, at separated grades under the main line tracks of Southern Pacific Company in the City of Palo Alto, County of Santa Clara, State of California, thereby eliminating an existing grade crossing of said road with said tracks. Southern Pacific Company has signified, in writing, that it has no objection to the construction of said undergrade crossing. Applicant proposes to construct said grade separation, using money made available by the Federal Government and states that its obligation extends only to said construction. It appears that said Embarcadero Road is a city street under the jurisdiction of the City of Palo Alto and that the maintenance of the structure should therefore be borne by that City and Southern Pacific Company as hereinafter provided.

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

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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 Embarcadero Road at separated grade under the main line tracks of Southern Pacific Company in the City of Palo Alto, 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. E-30.6-B.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintaining the substructure of said undergrade crossing below base of the bridge seats and of the roadway paving shall be borne by the City of Palo Alto. The cost of maintaining the superstructure above base of the bridge seats and of the track and appurtenances shall be borne by Southern Pacific Company. Before undertaking actual construction of said undergrade crossing applicant shall file with the Commission a certified copy of a resolution or other action of the City Council of the City of Palo Alto to the effect that said City will assume the cost of maintaining the substructure of said crossing as provided herein.
- (3) Prior to the commencement of construction, applicant shall file plan for said crossing showing clearances, width of roadway and grades of approach.
- (4) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (5) Applicant shall, within six (6) months from the date of this Order, file a certified copy of an agreement between the interested parties covering the terms of construction and maintenance of said crossing.
- (6) Prior to the beginning of actual construction of the crossing herein authorized, applicant shall file with this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed by the City Council of the City of Palo Alto, instituting all necessary steps to legally abandon and effectively close the existing

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(6) Continued.

public grade crossing at Embarcadero Road and identified as Crossing No. E-30.6. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said Crossing No. E-30.6 shall be legally abandoned and effectively closed to public use and travel.

(7) 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.

(8) 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.

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

Dated at San Francisco, California, this 4<sup>th</sup> day of November, 1935.

Sean O'Leary  
M. A. Carr  
M. B. Harris  
W. H. Brown  
Frank R. Devere

Commissioners.