

Decision No. 28375.

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 con-  
struction of a crossing at separated  
grades of Lafayette Street and the tracks  
of the Southern Pacific Railroad, in the  
City of Santa Clara, County of Santa  
Clara, State of California.

Application No. 20231.

**ORIGINAL**

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on November 2, 1935, applied for authority to construct a public highway known as Lafayette Street, at separated grades over the main line tracks of Southern Pacific Company in the City of Santa Clara. Southern Pacific Company has signified in writing that it has no objection to the construction of said undergrade crossing. Said Lafayette Street is a city street under the jurisdiction of the City of Santa Clara but applicant proposes to bear the expense of constructing the grade separating structure using funds made available for the purpose by the Federal Government. Applicant's obligation with reference to said structure, therefore, extends to and includes only the construction thereof and the crossing should be maintained by the City of Santa Clara and Southern Pacific Company.

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,

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 Lafayette Street at separated grades under the main line tracks of Southern Pacific Company in the City of Santa Clara, 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-43.6-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, lighting and drainage shall be borne by the City of Santa Clara. The cost of maintaining the superstructure above base of the bridge seats and of the track and its 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 Santa Clara, 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 a 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) 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.
- (7) 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 construct a temporary detour road by extending Grant Street at grade across the tracks of Southern Pacific Company at the location more particularly described in the application and as shown by the map attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. E-43.9.
- (2) The entire expense of constructing and maintaining the crossing shall be borne by applicant.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet, with grades of approach not greater than four (4) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by two (2) Standard No. 1 Crossing Signs, as specified in our General Order No. 75-A; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic
- (4) Said crossing shall be protected by a human flagman continuously during the time said crossing is open to public use and travel. The cost of maintenance of said protection shall be borne by applicant.
- (5) Upon completion of the grade separation at Lafayette Street, the temporary crossing herein authorized shall be abolished and effectively closed to public use and travel

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

Dated at San Francisco, California, this 18th day of November, 1935.

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M. P. Orr  
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M. B. Lamm  
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J. H. Lamm  
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J. H. Lamm  
Commissioners