

30747

Decision No. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the
PEOPLE OF THE STATE OF CALIFORNIA, (in relation)
of the Department of Public Works, for an
order authorizing construction of a crossing
at grade of the State Highway and the tracks
of the Southern Pacific Railroad, Niles-San
Jose Line (DA), near San Jose, in Santa Clara
County, California.

ORIGINAL
Application No. 20630.

In the Matter of the Application of the
PEOPLE OF THE STATE OF CALIFORNIA, (in relation)
of the Department of Public Works, for an
order authorizing construction of a crossing
at separated grades of the State highway and
the tracks of Southern Pacific Railroad,
Niles-San Jose Line (DA), near San Jose, in
Santa Clara County, State of California.

Application No. 21639.

BY THE COMMISSION:

SECOND SUPPLEMENTAL ORDER

The People of the State of California, on relation of the Department of Public Works, applicant herein, has requested in writing that the temporary grade crossing authorized in Decision No. 29170, dated October 9, 1936 and amended by First Supplemental Decision No. 29800, dated May 24, 1937, in Application No. 20630, be further amended in order to make said temporary grade crossing permanent and that Decision No. 30508, dated January 10, 1938, in Application No. 21639, authorizing the construction of a grade separation at the above-named location, be rescinded.

Applicant alleges that the cost of the proposed grade separation would be excessive; that the project has been eliminated from the current Federal Aid Grade Separation Program; that a re-allocation of said funds would better service public convenience, necessity and safety; and that the limited railroad traffic at present does not justify a separation of grades.

Southern Pacific Company has signified in writing that it offers no objection to the granting of the request.

It appears that this is not a matter in which a public hearing is necessary and that the application should be granted, therefore,

IT IS HEREBY ORDERED that Decisions Nos. 29170 and 29800 in Application No. 20630, and Decision No. 30508 in Application No. 21639, be and they are hereby rescinded and of no further force and effect.

IT IS HEREBY FURTHER ORDERED that the People of the State of California, on relation of the Department of Public Works, are authorized to construct State Highway Route No. 68 (Road IV-SCL-68-B) at grade across the tracks of Southern Pacific Company's Niles-San Jose Line, near San Jose, Santa Clara County, at the location as shown by map (Exhibit "A" attached to Application No. 20630), to be identified as Crossing No. DA-44.9. Applicant shall bear entire construction expense, also maintenance cost outside of lines two feet outside of rails. Southern Pacific Company shall bear maintenance cost between such lines. Width of crossing shall be not less than twenty-four feet and grades of approach not greater than one per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 5 crossing signals as specified in General Order No. 75-A.

Within thirty (30) days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within one year, unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

This order shall become effective immediately.

Dated at San Francisco, California, this 4th day of
April, 1938.

Walter H. ...
Leon ...
Frank R. ...
Raymond ...
Ray L. Riley
Commissioners.