

ORIGINAL

Decision No. 11937

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application)
of The Western Pacific Railroad)
Company for permission to construct)
a spur track at grade across certain)
public roads, highways, and streets)
in the County of Santa Clara, and)
in the City of San Jose, State of)
California.)

Application No. 8804.

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corpora-
tion, having on March 16, 1923, filed with the Commission
an application for permission to construct a spur track
at grade across portion of a certain street in the City of
San Jose, County of Santa Clara, State of California, and
at grade across certain streets, avenues and highways in
the unincorporated portion of the County of Santa Clara,
State of California, as hereinafter indicated, and it ap-
pearing to the Commission that this is not a case in which
a public hearing is necessary; that the necessary franchise
or permit (Resolution No. 856) has been granted by the
City Council of said City of San Jose and the necessary

franchise or permit has been granted by the Board of Supervisors of said County of Santa Clara for the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said streets, avenues and highways, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted The Western Pacific Railroad Company to construct a spur track at grade across the northerly half of San Salvador Street in the City of San Jose, County of Santa Clara, State of California, and at grade across the following public streets, roads and highways in the unincorporated portion of the County of Santa Clara, State of California, to wit: Crossing No. 1, Sunol Street; Crossing No. 2, Sunol Street; Crossing No. 3, Home Street; Crossing No. 4, West Home Street; Crossing No. 5, Southerly half of San Salvador Street, described as follows:

Beginning at a point at or near Mile Post 52.38 in the center line of The Western Pacific Railroad Company's branch line of railroad from Niles to San Jose, 105 feet southeasterly from the southeasterly line of Sunol Street as said track and street now exist in the County of Santa Clara, State of California; thence with switch and turnout to the right approximately 80 feet; thence on a curve to the right 245 feet; crossing Sunol Street approximately 530 feet northeasterly of the northeasterly line of Lincoln Avenue; thence in a northeasterly direction approximately 175 feet crossing Sunol Street approximately 575 feet southeasterly of the center line of Home Street; thence on a curve to the left approximately 490 feet; thence in a northwesterly direction approximately 63 feet; thence on a curve to the right approximately 229 feet; crossing Home Street approximately 376 feet northeasterly of the center

line of Sunol Street; thence in a northerly direction 1067 feet crossing West Home Street and San Salvador Street approximately 391 feet easterly of the center line of Sunol Street entering the City Limits of San Jose at the center line of San Salvador Street and terminating at the California Packing Corporation's Plant No. 3.

All of the above as shown by the map (Exhibit "A") attached to the application; said crossings to be constructed subject to the following conditions, viz:-

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

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of said streets, roads and highways now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding two (2) per cent; shall each be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) The authorization herein granted for the installation of said crossings will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(5) 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.

This order shall become effective three (3) days after the making thereof.

Dated at San Francisco, California, this 17th day of April, 1923.

J. Agnew
H. B. ...
Dwight Martin

Commissioners.