

5-7-23
Decision No. 12071

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of application of)
Southern Pacific Company for an)
order authorizing the construc-)
tion at grade of a spur track)
crossing Moorepark Avenue and)
Race Street, in the vicinity of)
West San Jose, County of Santa)
Clara, State of California.)

Application No. 8947.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, having on April 21, 1923, filed with the Commission an application for permission to construct a spur track at grade across Moorepark Avenue and Race Street, in the vicinity of West San Jose, in the County of Santa Clara, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that 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 Moorepark Avenue and Race Street, 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 Southern Pacific Company to construct a spur track at grade across Moorepark Avenue and Race Street in the County of Santa Clara, State of California, described as follows:

Crossing of Moorepark Avenue

Beginning at a point in the southerly line of Moorepark Avenue, distant westerly 80 feet, more or less, from the westerly line of Race Street; thence northeasterly across Moorepark Avenue to a point in the northerly line of Moorepark Avenue, distant westerly 30 feet, more or less from the westerly line of Race Street.

Crossing of Race Street

Beginning at a point in the westerly line of Race Street distant northerly 30 feet, more or less, from the northerly line of Moorepark Avenue; thence northeasterly across Race Street to a point in the easterly line of Race Street, distant northerly 89 feet, more or less, from the northerly line of Moorepark Avenue.

All of the above as shown by the map (Coast Division Drawing 20058) 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 roads now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by suitable crossing signs, 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 there-

after, 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 12th day of May, 1923.

Clarence

Erving Martin

J. H. Whitney
Commissioners