

Decision No. 13088

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 Shortridge
Avenue, a public street in the City of
San Jose, County of Santa Clara, State
of California.) Application No. 8988

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, having on May 4, 1923, filed with the Commission an application for permission to construct a spur track at grade across Shortridge Avenue in the City of San Jose, 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 (No. 926) has been granted by the City Council of said City of San Jose for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said Shortridge Avenue, 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 Shortridge Avenue in the City of San Jose, County of Santa Clara, State of California, described as follows:

Beginning at the point of switch in the center line of The Western Pacific Railroad Company's branch line of railroad from Niles to San Jose, California, as the same now exists in the County of Santa Clara, said point being distant northerly approximately 135 feet measured along said center line from the northwesterly line of Jefferson Avenue; thence in a northwesterly direction with switch and turnout to the left approximately 160 feet crossing the southeasterly line of Shortridge Avenue approximately 70 feet southwesterly from the southwesterly line of 28th Street; thence on a curve to the left approximately 293 feet to a point 137 feet distant northwesterly measured at right angles to the northwesterly line of Shortridge Avenue and crossing the said northwesterly line of Shortridge Avenue approximately 84 feet southwesterly from the southwesterly line of 28th Street; thence 137 feet from and parallel to said northwesterly line of Shortridge Avenue a distance of approximately 244 feet to a point in the northeasterly line of 26th Street. //

All of the above as shown by the map attached to the application; said crossing to be constructed subject to the following conditions, viz:

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

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of said street 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 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 crossing.

(4) The authorization herein granted for the installation of said crossing 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 order relative to the location, construction, operation, maintenance and protection of said crossing 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 16 day of May, 1923.

C. S. Harvey
Dwight Martin
J. F. Whittier
Commissioners.