

Decision No. 12569

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of Southern Pacific Company for an order authorizing the construction at grade of a spur track across Catherine, Elizabeth and Hope Streets and an alley between Catherine and Elizabeth Streets and across a portion of El Dorado Street in the Town of Alviso, County of Santa Clara, State of California.

# ORIGINAL

Application No. 9342

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, having on August 27, 1923, filed with the Commission an application for permission to construct a spur track at grade across Catherine, Elizabeth and Hope Streets, and an alley between Catherine and Elizabeth Streets, and across a portion of El Drado Street, in the Town of Alviso, 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 Trustees of said Town of Alviso 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 and alley, 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 Catherine, Elizabeth and Hope Streets, and an alley between Catherine and Elizabeth Streets, and across a portion of El Dorado Street, in the Town of Alviso, County of Santa Clara, State of California, described as follows:

Beginning at a point on the southerly line of Elizabeth Street, distant thereon 150.0 feet, more or less, from the easterly line of Hope Street; thence in a curve to the left in a northwesterly direction a radius of 409.51 feet, a distance of 42.0 feet, more or less, to a point; thence in a straight line tangent to said curve at the last named point in a northwesterly direction a distance of 88.93 feet, more or less, to a point; thence in a curve to the right of radius of 458.594 feet, a distance of 136.0 feet, more or less, to a point on the northerly line of Elizabeth Street, said point lying thereon a distance of 27.0 feet, more or less from the western line of Hope Street.

Beginning at a point in El Dorado Street and lying on the present center line of the Southern Pacific Company's main line from Elmhurst to Santa Clara, said point being more particularly described as lying on the said center line 64.0 feet, more or less, in a southerly direction from the southern line of Catherine Street; thence in a northerly direction along the said present center line a distance of 31.07 feet, more or less, to a point; thence bearing 6° 22' to the left in a northwesterly direction 67.47 feet to a point; thence in a curve to the left of radius of 409.51 feet a distance of 56.0 feet, more or less, to a point on the westerly side of El Dorado Street, said point lying on the said westerly line of El Dorado Street a distance of 11.0 feet, more or less, in a northerly direction from the northern line of Catherine Street.

Beginning at a point on the southerly line of the alleyway between Catherine and Elizabeth Streets distant thereon 52.0 feet, more or less, in a westerly direction from the westerly line of El Dorado Street; thence in a curve to the left in a northwesterly direction, of radius of 409.51 feet a distance of 39.0 feet, more or less, to a point on the northerly line of the said alleyway between Catherine and Elizabeth Streets, distant thereon 74.0 feet, more or less in a westerly direction from the westerly line of El Dorado Street.

All of the above as shown by the map (Western Division Drawing A-40) 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 of Catherine, Elizabeth Hope and El Dorado Streets shall be constructed of a width and type of construction to conform to those portions of said streets 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) Said crossing of an alley between Catherine and Elizabeth Streets shall be so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of roadway along said alley shall hereafter be authorized and so that said grade crossing of said alley may be safe for the passage thereover of vehicles and other road traffic.

(4) This order is made upon the express condition that said alley between Catherine and Elizabeth Streets is not now actually constructed and open to travel at the point of crossing and said order shall not be deemed an authorization for the construction or opening of said alley to public use across said railroad track.

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

(6) 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.

(7) 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 4<sup>th</sup> day of September, 1923.

C. A. Seaver  
H. B. Bondage  
Egerton Shore  
J. T. Whitting  
Commissioners.