

Decision No. 13713

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of )  
SOUTHERN PACIFIC COMPANY for an order )  
authorizing the construction at )  
grade of a side track across )  
South Street, in the vicinity of )  
San Martin, County of Santa Clara, )  
State of California. )

Application No. 10168.

BY THE COMMISSION:

ORIGINAL

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 11th day of June, 1924, asking for authority to construct a side track at grade across South Street, near the town of San Martin, County of Santa Clara, State of California, as hereinafter set forth. The necessary franchise or permit has been granted by the Board of Supervisors of said County for the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a separated grade crossing at the point mentioned in this application, or to avoid a grade crossing with said South Street and that this application should be granted subject to the conditions hereinafter specified.

THEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to Southern Pacific Company to construct a side track at grade across South Street, near the town of San Martin, County of Santa Clara, State of California, as follows:

"Beginning at a point in the northerly line of South Street, said point being approximately 130 feet west of the westerly line of Depot Street, thence southerly and parallel with line of Depot Street produced a distance of 60 feet, more or less, to the southerly line of South Street."

All of the above as shown by the map (Coast Division: Drawing 20121; Form 30, NoB 4298) 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 South Street now graded, with the top of rails flush with the roadway, and with grades of approach not exceeding four (4) 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) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, 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 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<sup>th</sup> day of June, 1924.

Clarence  
H. B. Anderson  
Eaton Shore  
Commissioners.