

Decision No. 14670

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of application of)
SOUTHERN PACIFIC COMPANY for an)
order authorizing the construction)
at grade of a spur track across) Application No. 10910.
Third Street, in the City of San)
Jose, County of Santa Clara, State)
of California.)

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 10th day of March, 1925, asking for authority to construct a spur track at grade across Third Street in the City of San Jose, County of Santa Clara, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 2400) has been granted by the City Council of said City 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 grade separation, or to avoid a grade crossing at the point mentioned in this application with said Third 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 track at grade across Third Street, in the City of San Jose, County of Santa Clara, State of California, as follows:

BEGINNING at a point in the westerly property line of Third Street in the City of San Jose, said point being distant along said westerly line of Third Street, 600 feet more or less southerly from the southerly line of Hensley St., thence easterly and bearing $70^{\circ} 45'$ with the aforesaid westerly line of Third Street a distance of 18 feet more or less to a point; thence on the arc of a curve to the right having a radius of 382.25 feet (whose tangent at the last described point is the last described course) a distance of 36 feet more or less to a point, thence continuing easterly tangent to last mentioned curve at the last described point, a distance of 25 feet more or less to a point in the easterly line of Third Street, and distant thereon 577 feet more or less southerly from the aforesaid southerly line of Hensley St., the above described line to be the center line of a railroad spur track.

and as shown by the map (Western Division Drawing S-373 Sheet 2) 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 tops 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) 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 16th day of March, 1925.

H. B. Brundage
Oliver Searcy
Egerton Shore
George D. Squires
Emmery Scott
Commissioners.