

Decision No. 14893

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
The Western Pacific Railroad Company)
for permission to construct a spur)
track at grade across Auzerais Street,)
a public street lying partly in the)
County of Santa Clara and partly in)
City of San Jose, State of California.)

Application No. 11054.

BY THE COMMISSION:

O R D E R

ORIGINAL

The Western Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the 30th day of April, 1925, asking for authority to construct a spur track at grade across Auzerais Street, a public street lying partly in the unincorporated portion of the County of Santa Clara and partly in the City of San Jose, County of Santa Clara, State of California, as hereinafter set forth. The necessary franchises or permits have been granted by the Board of Supervisors of Santa Clara County and by the City Council of said City of San Jose, (Exhibits "B" and "C" respectively) 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 Auzerais 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 The Western Pacific Railroad Company to construct a spur track at grade across Auzerais

Street, a public street lying partly in the unincorporated portion of the County of Santa Clara and partly in the City of San Jose, County of Santa Clara, State of California, as follows:

Beginning at a point in the center line of the spur track of The Western Pacific Railroad Company serving the California Packing Corporation's Plant Number 3 in the City of San Jose, County of Santa Clara, State of California; said beginning point being distant approximately 110.0 feet northerly of the northerly line of West Home Street; thence with switch and turn out to the right approximately 103.0 feet; thence in a northeasterly direction on a curve to the right approximately 253.0 feet, crossing the southerly line of Auxerais Street approximately 475.0 feet easterly of the easterly line of Sunol Street; thence on a tangent approximately 70.0 feet, crossing the southerly city limits of the City of San Jose at a point distant thereon approximately 520.0 feet easterly of the easterly line of Sunol Street, also crossing the northerly line of said Auxerais Street approximately 590.0 feet easterly of the easterly line of said Sunol Street; thence on a curve to the left 230.0 feet; and thence on a tangent in a northerly direction 234.0 feet to point of termination; being a total length of 895.0 feet.

and as shown by the map (Exhibit "A" dated April 1925) 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 Auxerais Street now graded, with the tops of rails flush with the roadway 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 7th day of May, 1925.

H. B. Sandige

C. Seavey

George D. Spiner

E. Underwood
Commissioners.