

Decision No. 15872

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 Lewis Street,
a public street in the City of San Jose,
County of Santa Clara, State of
California.

Application No. 12420.

BY THE COMMISSION:

ORIGINAL

O R D E R

The Western Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the 12th day of January, 1926, asking for authority to construct a spur track at grade across Lewis Street at Fifth 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. 2783) has been granted by the City Council of said City of San Jose for the construction of said crossing at grade. 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 Lewis 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 Lewis Street at Fifth Street, in the City of San Jose, County of Santa Clara, State of California, as follows:

Beginning at a point in the center line of and at the end of the existing spur track of the Western Pacific Railroad Company, said point being approximately 100 feet northerly from the northerly line of Martha Street and approximately 8.5 feet easterly from the westerly line of Fifth Street; thence in a northerly direction approximately 8.5 feet from and parallel with said westerly line of Fifth Street approximately 25 feet; thence on a curve to the right having a radius of 573.69 feet a distance of approximately 10 feet; thence on a curve to the left having a radius of 573.69 feet a distance of approximately 10 feet to a point approximately 10 feet easterly from the said westerly line of Fifth Street; thence in a northerly direction approximately 10 feet easterly from and parallel with said westerly line of Fifth Street a distance of approximately 350 feet to a point approximately 50 feet southerly of the southerly line of Virginia Street.

and as shown by the map (C.E. 1596) 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 substantially in accordance with Standard No. 3, as specified in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said Lewis 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 18th day of January, 1926.

H. H. Brundage

C. C. Seaver

George W. Quinn

Leon Whitell

Commissioners.