

Decision No. 17726

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 spur track across Jackson Street and across a portion of North Eighth Street, in the City of San Jose, County of Santa Clara, State of California.

ORIGINAL

Application No. 13360.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 1st day of December, 1926, asking for authority to construct a spur track at grade across Jackson Street and across a portion of North Eighth 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. 3282) has been granted by the City Council of said City 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 Jackson Street and North Eighth 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 spur track at grade across Jackson Street and a portion of North Eighth Street in the City of San Jose,

County of Santa Clara, State of California, at the location hereinafter particularly described and shown by the map (Coast Division Drawing 20245) attached to the application.

"Beginning at a point on the center line of existing Southern Pacific Company track, which is also the center line of North 8th Street, distant thereon one hundred and two (102) feet more or less northwesterly from the northwesterly line of Jackson Street produced; thence southeasterly along said center line of North 8th Street one hundred and five (105) feet more or less to a point; thence continuing southeasterly and crossing Jackson Street along the arc of a curve, concave to the left, and having a radius of four hundred seventy-eight and thirty-four hundredths (478.34) feet, a distance of one hundred and twelve (112) feet more or less to a point; thence in an easterly direction and tangent to said curve at last named point, a distance of thirty (30) feet more or less to a point; thence in a southeasterly direction along the arc of a curve concave to the right and having a radius of four hundred seventy-eight and thirty four hundredths (478.34) feet, a distance of sixty-seven (67) feet more or less to a point on the northeasterly line of Eighth Street distant thereon southeasterly one hundred and twenty-one (121) feet more or less from the southeasterly line of Jackson Street."

The above crossing shall be identified as Crossing No. DA 45.92 S.

Said crossing to be constructed subject to the following conditions, namely:

(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, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width 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 and one half ($1\frac{1}{2}$) 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 8th day of December, 1926.

H. B. ...
A. Deane
Frank ...
Leon ...
Thos. ...
Commissioners.