

ORIGINAL

Decision No. 18169

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 Anzerais Ave-
 nue, a public street lying partly in
 the County of Santa Clara and partly
 in the City of San Jose, State of
 California.

Application No. 13623.

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the 22nd day of March, 1927, asking for authority to construct a spur track at grade across Anzerais Avenue, a public street lying partly in the City of San Jose and partly in the County of Santa Clara, State of California, as hereinafter set forth. The necessary franchise or permits (Resolution No. 3451 of the City Council and Resolution, dated March 7th, 1927, by Board of Supervisors) have been granted by the City Council and Board of Supervisors of said City and County, respectively, 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 Anzerais Avenue 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 con-

struct a spur track at grade across Auzerais Avenue, a public street lying partly in the City of San Jose and partly in the County of Santa Clara, State of California, at the location hereinafter particularly described and as shown by the map (Exhibit "A") attached to the application.

DESCRIPTION OF CROSSING

Beginning at a point in the center line of the spur track of The Western Pacific Railroad Company serving Plant No. 3 of the California Packing Corporation, in the City of San Jose, County of Santa Clara, State of California, said beginning point being distant approximately 65 feet southerly from the southerly line of Auzerais Avenue; thence northerly with turnout to the left approximately 70 feet, crossing the southerly line of said Auzerais Avenue approximately 357 feet easterly from the easterly line of Sunol Street; thence in a northerly direction on a curve to the right approximately 60 feet, crossing the northerly line of said Auzerais Avenue approximately 354 feet easterly of said easterly line of Sunol Street.

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 equal or superior to type shown as Standard No. 2, 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 avenue 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 4th day of April, 1927.

Emmanuel
R. H. Brundage
Cheney
Thos. D. Houtz

Commissioners.