

ORIGINAL

Decision No. 18322.

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

Application No. 13710.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 18th day of April, 1927, asking for authority to construct a spur track at grade across 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 (Resolutions Nos. 3460 and 3513) 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 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 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 as shown by the map (Coast Division 23296) attached to the application.

DESCRIPTION OF CROSSING.

Beginning at a point on the easterly line of North 8th Street distant thereon 108 ft. more or less northwesterly from the northerly line of Taylor Street; thence southerly a distance of 108 ft. more or less to a point on the northerly line of Taylor Street produced distant thereon 8.0 ft. more or less westerly from the easterly line of North 8th 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 shall be borne by applicant.

(2) Said crossing shall be so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of roadway along said North Eighth Street shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover of vehicles and other road traffic.

(3) This order is made upon the express condition that North Eighth Street is not now actually constructed and open to travel at the point of crossing, and said order shall not be deemed an authorization for the construction of an opening of said street to public use across said railroad track.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) 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.

(6) 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 3rd day of May, 1927.

Ernest J. ...
J. B. ...
A. ...
Leon ...
Thos. ...
(Commissioners)