

Decision No. 18572

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of)
Southern Pacific Company for an)
order authorizing the construc-)
tion at grade of two side tracks)
across Newhall Street in the City)
of San Jose, County of Santa)
Clara, State of California.)

Application No. 13887.

ORIGINAL

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 24th day of June, 1927, asking for authority to construct two yard tracks at grade across Newhall Avenue in the City of San Jose, County of Santa Clara, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 3613) has been granted by the City Council of said City for the construction of said crossings 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 grade separations or to avoid grade crossings at the points mentioned in this application with said Newhall 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 Southern Pacific Company to construct two yard tracks at grade across Newhall Avenue in the City of San Jose, County of Santa Clara, State of California, at the locations hereinafter particularly described and as shown by the map (Coast Di-

vision Drawing 23033) attached to the application.

Description of Crossings

Beginning at a point on the southeasterly line of Newhall Street, distant southwesterly thereon 100 feet, more or less, from the southwesterly line of Laurel Street; thence in a northwesterly direction crossing Newhall Street to a point on the northwesterly line of Newhall Street, distant southwesterly thereon 110 feet, more or less, from the southwesterly line of Laurel Street, produced, northwesterly.

Also, beginning at a point on the southeasterly line of Newhall Street, distant southwesterly thereon 120 feet, more or less, from the southwesterly line of Laurel Street; thence in a northwesterly direction crossing Newhall Street to a point on the northwesterly line of Newhall Street, distant southwesterly thereon 130 feet more or less from the southwesterly line of Laurel Street, produced northwesterly.

The above crossing shall be identified as Crossing No. EM-45.1.

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

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings 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 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 three (3) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) No train, engine, motor or car shall be operated over said crossings unless said train, engine, motor or car shall be under full control and unless traffic on the highway be pro-

tected by a member of the train crew or other competent employee acting as flagman.

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

(5) If said crossings 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 crossings 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 July, 1927.

James D. ...

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Thomas ...

Commissioners.