

Decision No. 19462.**ORIGINAL**

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 two spur tracks in and
 across Mission Street and North
 Ninth Street, in the City of San
 Jose, County of Santa Clara, State
 of California.

Application No. 14432.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 18th day of February, 1928, asking for authority to construct two spur tracks at grade across Mission and North Ninth Streets in the City of San Jose, County of Santa Clara, State of California, as hereinafter set forth, and also for authority to construct one of the tracks parallel to and at a distance of 7'3" from the southwesterly property line of North Ninth Street contrary to the provision of Section 2-c of General Order No. 26-C of this Commission. The necessary franchise or permit (Resolution No. 4018) has been granted by the City Council of said City for the construction of said crossings at grade and it is stated in the application that applicant is arranging to provide a suitable location for pole line construction in said North Ninth Street which will eliminate the necessity for carrying out the provision of Section 2-c of General Order No. 26-C. 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 separa-

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tions or to avoid grade crossings at the points mentioned in this application with said Mission and North Ninth Streets and that this application should be granted subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED that,

I. Permission and authority be and it is hereby granted to Southern Pacific Company to construct two spur tracks at grade across Mission and North Ninth Streets 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 Division Drawing 20255) attached to the application.

Description of Crossings

No. 1

Beginning at a point on the northwesterly line of Mission St. distant thereon 20 ft. more or less southwesterly from the southwesterly line of No. 9th St. thence in a southeasterly direction to a point on the southeasterly line of Mission Street.

No. 2

Beginning at the point of intersection of the southwesterly line of No. 9th St. with the northwesterly line of Mission Street; thence in a southeasterly direction to a point 7' 3" northeasterly from the southwesterly line of N. 9th St. thence continuing southeasterly 7' 3" from and parallel to said southwesterly line of No. 9th St. 360' more or less to end of track.

The above crossing shall be identified as Crossing No. DA-45.6.

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

(a) 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.

(b) Said crossings shall be constructed equal or superior to type shown as Standard No. 1, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to those portions of said streets 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.

II. Southern Pacific Company be and it is hereby authorized to construct a spur track along North Ninth Street contrary to the provision of Section 2 (c) of General Order No. 26-C of this Commission, subject to the following conditions:

(a) Applicant shall arrange for the removal of the existing pole line to a location consistent with all other requirements of said General Order 26-C.

(b) Applicant shall submit, within thirty (30) days from the date hereof, written consent to such re-location from the owners of said pole line.

III. Said crossings are granted subject to further conditions, as follows:

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

(b) If said crossings and track 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.

(c) The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said crossings and said track, 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 10th day of March, 1928.

Clarence

David D. [unclear]

M. J. [unclear]
Commissioners.