

Decision No. 13756.

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 side tracks across
Newhall, Hamline and Laurel Streets,
in the City of San Jose, County of
Santa Clara, State of California.

ORIGINAL

Application No. 14654.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 30th day of April, 1928, asking for authority to construct yard tracks at grade across Newhall, Hamline and Laurel Streets in the City of San Jose, County of Santa Clara, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 4103) 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, Hamline and Laurel Streets 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 yard tracks at grade across Newhall, Hamline and Laurel 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 23033) attached to the application.

DESCRIPTION OF CROSSINGS.

NEWHALL STREET

(1) Beginning at a point on the southeasterly line of Newhall Street distant thereon 78.0 ft. more or less southwesterly from the southerly line of Laurel St.; thence in a northwesterly direction across Newhall Street to a point on the northwesterly line thereof.

(2) Beginning at a point on the southeasterly line of Newhall Street distant thereon 129.0 ft. more or less southwesterly from the southerly line of Laurel St.; thence in a northwesterly direction across Newhall Street to a point on the northwesterly line thereof.

The above crossings shall be identified as a portion of Crossing No. E.M. 45.1.

LAUREL STREET

Beginning at a point in center line of existing track distant thereon 75.0 ft. more or less southeasterly from the southwesterly line of Laurel St.; thence in a northwesterly direction to a point on the southwesterly line of Laurel St.

HAMLIN STREET

Beginning at a point in the easterly line of Hamline Street distant thereon 9.0 ft. more or less southwesterly from the southwesterly line of Laurel Street; thence in a northwesterly direction across Hamline Street to a point on the westerly line thereof.

Said crossings to be constructed subject to the following conditions, and not otherwise:

(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 of Newhall Street 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 street now graded, with the tops of rails flush with the roadway, and with grades of approach not exceeding four (4) per cent; shall be protected by Standard No. 1 crossing signs as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) Said crossings of Hamline and Laurel Streets shall be so constructed that grades of approach not exceeding six (6) per cent will be feasible in the event that the construction of roadways along said streets shall hereafter be authorized and so that said grade crossings may be made suitable for the passage thereover of vehicles and other road traffic.

(4) This order is made upon the express condition that Hamline and Laurel Streets are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of an opening on said street to public use across said railroad tracks.

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

(6) 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.

(7) 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 judg-

ment, 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 11th day of May, 1928.

Leon C. White

C. J. [unclear]

Thos. B. [unclear]

M. A. [unclear]

Commissioners.