

Decision No. 19897

**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 a spur track across  
a portion of Autumn Street, in the  
City of San Jose, County of Santa  
Clara, State of California.

Application No. 14770.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 7th day of June, 1928, asking for authority to construct a spur track at grade across a portion of Autumn Street, in the City of San Jose, County of Santa Clara, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 4178) 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 Autumn 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 Autumn 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 Drawing 23621) attached to the application.

#### DESCRIPTION OF CROSSING

Beginning at a point in the center line of existing spur serving Greco Canning Company, Inc., said point being on the center line of Autumn Street produced northwesterly 23.0 feet more or less from the southeasterly line of Cinnabar Street, thence from said point of beginning in an easterly direction 38.0 feet more or less to a point on the right of way line of the Southern Pacific Railroad Company.

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

(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 in such a manner that a roadway can be constructed and made suitable for the passage thereover of vehicles and other road traffic across said track, in the event that such roadway is hereafter authorized.

(3) This order is made upon the express condition that Autumn 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 14<sup>th</sup> day of June, 1928.

Leon Whitall  
Ch. Seaver  
David L. Smith  
M. J. Carr  
Commissioners.