

Decision No. 20071

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of the Southern Pacific Company  
for an Order authorizing the con-  
struction at grade of a spur track  
across Keyes Street, in the City  
of San Jose, County of Santa Clara,  
State of California.

Application No. 14902

ORIGINAL

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 20th day of July, 1928, asking for authority to construct a spur track at grade across Keyes Street in the City of San Jose, County of Santa Clara, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution 4334) 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 Keyes 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 Keyes 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 No. 23663) attached to the application.

Description of Crossing

Beginning at a point on the northwest line of Keyes Street, distant thereon 371 feet more or less northeasterly from the northeast line of South 3rd Street; thence in a southwesterly direction by curve to the right to a point in Keyes Street 10.0 feet northwesterly at right angles, from the southeast line of said Keyes Street; thence southwesterly and parallel to said southeast line of Keyes Street to a point on the northeast line of South 3rd Street.

The above crossing shall be identified as a portion of Crossing No. E-52.9.

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 equal or superior to the type shown as Standard No.3, in General Order No. 72 of this Commission and shall be constructed without super-elevation and of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding two (2) per cent; shall be protected by a Standard No. 1 crossing sign 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) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be under full control and unless traffic on the street be protected 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 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 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 30th day of July, 1928.

Leon Whitely  
C. C. Leary

M. J. Carr  
Commissioners.