

ORIGINALDecision No. 20145

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

Application No. 14947.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 9th day of August, 1928, asking for authority to construct a spur track at grade across Asbury 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. 4346) 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 Asbury 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 Asbury 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. 14975) attached to the application.

Description of Crossing

BEGINNING at a point in the northwesterly line of Asbury Street 112 feet more or less northeasterly from the northeasterly line of Stockton Avenue; thence southeasterly and crossing Asbury Street to the southeasterly line thereof.

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, shall be borne by applicant.

(2) Said crossing shall be so constructed that grades of approach not exceeding two (2) per cent will be feasible in the event that the construction of a roadway along said Asbury Street shall hereafter be authorized and so that grade crossing may be made suitable for the passage thereover of vehicles and other road traffic.

(3) This order is made upon the express condition that Asbury 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 21st day of August, 1928.

C. L. Scammy

Thomas B. Loret

M. A. Gu...

Commissioners.