

Decision No. 28828

## 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 Pleasant, Julian and Devine Streets, in the City of San Jose, County of Santa Clara, State of California.

Application No. 15412.

BY THE COMMISSION:

**ORIGINAL**O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 18th day of February, 1929, asking for authority to construct a spur track at grade across a portion of Pleasant Street and across Julian and Devine 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. 4535) 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 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 a spur track at grade across a portion of Pleasant Street and across Julian and Devine 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 Dwg. No. 20614, Sheet 2), attached to the application.

## DESCRIPTION OF CROSSINGS

BEGINNING at a point on the center line of an existing Southern Pacific spur track in Pleasant Street, distant southwesterly at right angles 10 feet more or less from the northeasterly line of Pleasant Street and distant northwesterly 260 feet more or less from the northwesterly line of Julian Street, produced; thence in a southeasterly direction thru a switch turnout to the right and curving to the left to a point in Pleasant Street distant southwesterly at right angles 23 feet from the northeasterly line of Pleasant Street; thence in a southeasterly direction parallel to and distant southwesterly at right angles 23 feet from the northeasterly line of Pleasant Street and crossing Julian Street to a point on the southeasterly line of Devine Street produced.

BEGINNING at a point on the center line of proposed drill track distant northwesterly thereon 30 feet more or less from the northwesterly line of Devine Street produced southwesterly; thence in a southerly direction on a curve concave to the right and crossing Pleasant Street to a point on the southwesterly line of Pleasant Street distant northwesterly thereon 187.4 feet from the northwesterly line of St. James Street.

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 crossing of Julian Street shall be constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission, and said crossings of Pleasant Street and Devine Street equal or superior to type shown as Standard No. 2, in said General Order. Said crossings 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 pavement, and with grades of approach not exceeding One (1) 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) No train, motor, engine or car shall be operated over

said crossing of Julian Street without first having been brought to a stop and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as a flagman.

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

(5) 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.

(6) 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 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 2<sup>nd</sup> day of March, 1929.

David R. Curtis

Clarence

Leon Whidell

M. J. [unclear]

Commissioners.