

Decision No. 29852.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of Southern Pacific Company for an order authorizing (a) the removal and relocation of a track serving an auto unloading platform (b) the removal and relocation of a track serving a Gantry Crane, (c) the removal of two team tracks, (d) the removal and relocation of a portion of an existing team track, (e) the construction at grade of a spur track across San Pedro Street, and (f) the relocation and reconstruction at grade of an existing spur track across said San Pedro Street, in the City of San Jose, County of Santa Clara, State of California.

ORIGINAL

Application No. 15453.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 4th day of March, 1929, asking for authority to (a) remove and relocate a track serving an auto unloading platform, (b) remove and relocate a track serving a gantry crane, (c) remove two team tracks, (d) remove and relocate a portion of an existing team track, (e) construct at grade a spur track across San Pedro Street, and (f) relocate and reconstruct at grade an existing spur track across said San Pedro Street, all in the City of San Jose, County of Santa Clara, State of California. The necessary permit has been granted by the City Council of the City of San Jose for the crossings at grade with said San Pedro Street. It appears to the Commission that the present proceeding is not one in which a public

hearing is necessary; that said tracks in the proposed locations will serve the public as well as or better than in their present locations; that in lieu of the team tracks which it is proposed to abandon applicant proposes to assign for team track use other tracks having approximately equal capacity; that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings with said San Pedro 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 remove the auto unloading platform and the track serving it, as shown in yellow and marked "A" on the map (M.W.D. Dwg. 6650 - Sheet 2) attached to the application; to remove the gantry crane and the track serving it as shown in yellow and marked "C" on said map; to remove the team tracks shown in yellow and marked "E" on said map, and to remove the coal unloading platform and a portion of the track shown in yellow and marked "G" on said map, subject to the following conditions and not otherwise:

(1) That an auto unloading platform and tracks to serve the same be constructed substantially as shown in red and marked "B" on the above described map.

(2) That the gantry crane be relocated over a track having equal or greater car capacity than the track over which it now operates, said gantry crane to be located at, or in the immediate vicinity of the location shown in red marked "D" on said map.

(3) That the coal unloading platform and so-called grape shed be relocated in approximately the locations shown in red on said map.

(4) Team track service shall be provided on the first track north of the driveway serving and lying immediately to the north of the freight sheds west of San Pedro Street.

IT IS HEREBY FURTHER ORDERED that permission and authority be and it is hereby granted to Southern Pacific Company to construct its tracks at grade across San Pedro Street 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 (M.W.D. Dwg. 6650 - Sheet 2) attached to the application.

DESCRIPTION OF CROSSINGS

Beginning at a point on the southwesterly line of San Pedro Street distant southeasterly thereon 72 feet more or less from the southerly line of Ryland Avenue; thence in a northeasterly direction crossing San Pedro Street to a point on the northeasterly line thereof.

Also beginning at a point on the southwesterly line of San Pedro Street, distant southeasterly thereon 85 feet more or less from the southerly line of Ryland Avenue; thence in a northeasterly direction crossing San Pedro Street to a point on the northeasterly line thereof.

The above crossing shall be identified as a portion of Crossing No. E-46.8.

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 shall be constructed equal or superior to type shown as Standard No. 3, 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 one (1) 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 crossings unless said train, engine, motor or car shall be under full control, and unless traffic on said street be protected by a member of the train crew or other competent employee acting as a flagman.

(4) Applicant shall remove the tracks shown in yellow on said map in so far as they lie within the boundaries of said San Pedro Street, and shall restore the pavement to conform with the adjacent portions of said street.

IT IS HEREBY FURTHER ORDERED that

(1) Applicant shall within thirty (30) days thereafter notify this Commission in writing of the completion of the rearrangement of facilities hereby authorized, and of the installation of said crossings.

(2) If said rearrangement of facilities shall not have been made and said crossings 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.

(3) 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 this 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 11th day
of March, 1929.

David S. Lott

Alvarez

Leon White

M. J. Lee

Commissioners.