

Decision No. 22608

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 THE WESTERN PACIFIC RAILROAD COMPANY  
 for permission to construct, maintain  
 and operate a spur track across West  
 San Fernando Street in the City of  
 San Jose, County of Santa Clara, State  
 of California.

**ORIGINAL**

Application No. 16663.

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 20th day of June, 1930, asking for authority to construct a spur track at grade across West San Fernando 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. 5152) 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 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 The Western Pacific Railroad Company

to construct a spur track at grade across West San Fernando 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 attached to the application.

DESCRIPTION OF CROSSING

BEGINNING at a point in the center line of existing track of The Western Pacific Railroad Company, a corporation, near the southerly line of San Fernando Street, approximately 75 feet westerly, measured at a right angle from the westerly line of Bush Street; thence northerly along a curve to the right, having a radius of 410.275 feet, a distance of approximately 58 feet, crossing the southerly line of said San Fernando Street approximately 75 feet westerly thereon from the westerly line of said Bush Street; also crossing the northerly line of said San Fernando Street approximately 70 feet westerly thereon from the westerly line of said Bush Street; thence continuing northerly across private property to end of spur.

The above crossing shall be identified as a portion of Crossing No. 4G-22.9.

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 type shown as Standard No. 2 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 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 highway 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 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 30<sup>th</sup> day of

June, 1930.

C. C. Seney

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David S. Lunt

M. J. Pura

Commissioners.