

Decision No. 25826

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
Mission Street in the City of
San Jose, County of Santa Clara,
State of California.

ORIGINAL

Application No. 18702.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, on February 9, 1933, applied for authority to construct a spur track at grade across Mission Street in the City of San Jose, County of Santa Clara, State of California. The necessary franchise or permit (Resolution No. 5604) has been granted by the City Council of said City for the construction of said crossing at grade. It appearing that a public hearing is not necessary herein; 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 and that the application should be granted subject to certain conditions,

IT IS HEREBY ORDERED that Southern Pacific Company is hereby authorized to construct a spur track at grade across Mission Street in the City of San Jose, County of Santa Clara, State of California, at the location more particularly described in the application and as shown by the map attached thereto, subject to

the following conditions:

- (1) The entire expense of constructing and thereafter maintaining the crossing shall be borne by applicant.
- (2) This order is made upon the express condition that Mission Street is not now actually constructed and open to travel at the point of crossing and this order shall not be deemed an authorization for the construction of an opening of said street to public use across said spur track. Said track shall be so constructed that grades of approach not exceeding two (2) per cent will be feasible in the event that the construction of an opening of Mission Street across said spur track shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover of vehicles and other road traffic.
- (3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (4) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (5) 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 10th
day of February, 1933.

C. C. Seaver
W. H. Linn
W. B. Harris
Commissioners.