

ORIGINAL

Decision No. 10038.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application of The
Western Pacific Railroad Company for
permission to construct a track at
grade across San Carlos Street, and
across the track of the Peninsular
Railway Company near San Jose, in the
County of Santa Clara, State of California.)

) Application No. 7309.

By The Commission:

ORDER

The Western Pacific Railroad Company, a corporation, having on November 2, 1921, filed with the Commission an application for permission to construct a spur track at grade across San Carlos Street near San Jose, in the County of Santa Clara, State of California, as hereinafter indicated, and having on December 27, 1921 filed with the Commission a supplemental application, in this same proceeding, for permission to construct said spur track at grade across the track of the Peninsular Railway Company located on said San Carlos Street, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit has been granted by the Board of Supervisors of said County of Santa Clara for the construction of said crossing of San Carlos Street at grade, the Peninsular Railway Company having indicated in writing that it has no objection to the construction of said spur at grade across its track in said San Carlos Street, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said San Carlos Street and the track of the Peninsular Railway Company, and that this application should be granted subject to

the conditions hereinafter specified;

IT IS HEREBY ORDERED, that permission be and it is hereby granted The Western Pacific Railroad Company to construct a spur track at grade across San Carlos Street and the track of the Peninsular Railway Company near San Jose in the County of Santa Clara, State of California, described as follows:

A spur track extending southerly across San Carlos Street from the branch line of railroad of The Western Pacific Railroad Company as said branch line is now located across San Carlos Street near the westerly city limits of the City of San Jose, the center line of said spur track being more fully described as follows:

Beginning at a point on the located center line of The Western Pacific Railroad Company, 85 feet northeasterly along said located center line from the northerly line of San Carlos Street; thence branching from said located center line southerly crossing on a curve to the left the center line of San Carlos Street and the center line of the track of the Peninsular Railway Company approximately 15 feet easterly from the said branch line crossing, and approximately 150 feet easterly from the center line of Sunol Street; thence continuing on said curve to the left to a point 35 feet, more or less, easterly from the easterly line of Sunol Street; thence southerly parallel to said easterly line of Sunol Street, to the northwesterly right of way line of the Southern Pacific Company's Santa Cruz Branch, approximately 835 feet from the place of beginning,

all of the above as shown by the map attached to the application; said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing over San Carlos Street, 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 of a width and type of construction to conform to that portion of San Carlos Street now graded, with grades of approach not exceeding two (2) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Said crossing shall be protected by track circuits of suitable length on the spur track connected with the automatic flagman in-

stalled in accordance with the terms of Decision No. 4744 of the Commission dated October 11, 1917.

(4) The crossing over the track of the Peninsular Railway Company shall be constructed, installed, and maintained in a good and first-class condition, at the sole cost of the applicant.

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

(6) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(7) 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.

Dated at San Francisco, California, this 30 day of January, 1922.

H. A. Bourdige
H. D. Loveland

J. P. [Signature]
Commissioners.