

Decision No. 10077.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the matter of the application of  
The Western Pacific Railroad Company  
for permission to construct a spur  
track at grade across Pomona Avenue  
near San Jose in the County of Santa  
Clara, State of California.

Application No. 7255.

By The Commission:

O R D E R

The Western Pacific Railroad Company, a corporation, having on October 14, 1921, filed with the Commission an application for permission to construct a spur track at grade across Pomona Avenue near San Jose in the County of Santa Clara, State of California, as hereinafter indicated, 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 at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said Pomona Avenue, 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 Pomona Avenue in the County of Santa Clara, State of California, described as follows:

A spur track crossing Pomona Avenue near the City of San Jose between Bellevue Avenue and San Jose Avenue the center line of which is described as follows:  
Beginning at a point on the center line of The Western Pacific Railroad Company's branch line of railroad from Niles to San Jose, California, as the

same is now constructed across Pomona Avenue in or near the southerly part of the City of San Jose, said beginning point being 100 feet, more or less, southwesterly from the intersection of the above mentioned center line with the southwesterly line of Pomona Avenue; thence diverging from said branch line to the left in a northeasterly direction, and crossing Pomona Avenue, to a point where the center line of the spur track is fifteen feet northwesterly from the center line of said branch line; thence northeasterly parallel to and 15 feet from said branch line to a point near the southwesterly boundary line of Monterey Road, approximately 1250 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, 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 Pomona Avenue 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) 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.

(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, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 8th day of February, 1922.

H. P. Brandt  
H. J. Loveland  
W. H. Loomis  
J. H. Denny  
Commissioners.