

ORIGINAL

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application of
 SAN JOSE RAILROADS for permission to
 construct a spur track at grade across
 Alum Rock Avenue, in Santa Clara County,
 California.

Application No. 3162.

By the Commission,

O R D E R.

SAN JOSE RAILROADS, a corporation, having on August 28, 1917, filed with the Commission an application for permission to construct a spur track at grade across Alum Rock Avenue, in Santa Clara County, 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 proposed crossing is not within the limits of an incorporated town or city and no franchise is needed 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 Alum Rock Avenue, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, That permission be hereby granted San Jose Railroads to construct a spur track at grade across Alum Rock Avenue, in Santa Clara County, California, east of and adjacent to Capitol Avenue, on the south side of the main line track of applicant, 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 Alum Rock Avenue now graded, with grades of approach not exceeding four (4) 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) 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 30th day of August, 1917.

Mar. Thelen

Wm. Gordon

Frank R. DeWitt

Commissioners.