

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of SOUTHERN PACIFIC COMPANY for permission to construct a spur track at grade across Third Street, City of San Jose, Santa Clara County, California.

Application 483.

ORDER

By the Commission.

SOUTHERN PACIFIC COMPANY, a corporation, having on April 4, 1913, filed with the Commission an application for permission to construct a spur track at grade across Third Street, City of San Jose, 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 applicant has secured the necessary franchise or permit from the Common Council of said City, authorizing the construction of said track at grade across said street; and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said street, and that the application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED that permission be hereby granted Southern Pacific Company to construct a spur track at grade across Third Street, City of San Jose, Santa Clara County, California, between Julian Street and Washington Street, on the west side of the track, which after crossing Third Street is constructed on Fourth Street, as shown by the map attached to the application and subject to the following conditions, viz.:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance hereafter in good and first-class condition for the safe and convenient use of the public shall be borne by applicant.

(2) The crossing shall be constructed of a width (parallel with the track) of not less than forty (40) feet, and shall be ballasted or paved with material similar to that with which Third Street is now paved, and otherwise constructed and maintained to

conform with the requirements of the Ordinance granted by the Common Council of said City, authorizing the construction of said track.

(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 7th day of April, 1913.

John W. ...
L. H. ...
Max Thelen

Commissioners.