

DECISION NO. 5689.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
Southern Pacific Company for an order)
authorizing the construction of a)
spur track at grade across Lincoln) Application No. 4011.
(or Northrop) Avenue, near the City)
of San Jose, County of Santa Clara,)
State of California.)

By the Commission.

ORDER

SOUTHERN PACIFIC COMPANY, a corporation, having on August 14, 1918, filed with the Commission an application for permission to construct a spur track at grade across Lincoln (or Northrop) Avenue, near the City of San Jose, 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 proposed crossing is not within the limits of an incorporated town or city and no franchise is required for its construction at grade; and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said avenue and that this application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be and the same hereby is granted Southern Pacific Company to construct a spur track at grade across Lincoln (or Northrop) Avenue, near the City of San Jose, County of Santa Clara, State of California, described as follows:

Commencing at a point in the westerly line of Lincoln Avenue which is northerly 20 feet more or less

measured at right angles from the center line of the main track of Southern Pacific Company between Santa Cruz and Santa Clara at Engineer Station 91 plus 85; thence on a tangent in a northwesterly direction a distance of 50 feet more or less to a point which is 26 feet northerly measured at right angles from the center line of said main track; thence on a curve to the right having a radius of 573 feet a distance of 42 feet more or less in the point of the easterly line of Lincoln Avenue.

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 to conform to that portion of the avenue to be crossed 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 16th day of August, 1918.

Ewin O. Edgerton

H. S. Loveland

Frank P. Fisher

Commissioners.