

Decision No. 6623.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
DIRECTOR GENERAL OF RAILROADS, SOUTH-)
ERN PACIFIC RAILROAD, for an order)
authorizing the construction of a spur) Application No. 4873.
track at grade across Race Street, in)
the vicinity of the City of San Jose,)
Santa Clara County, California.)

By the Commission.

ORDER

DIRECTOR GENERAL OF RAILROADS, SOUTHERN PACIFIC RAILROAD, having on August 18, 1919, filed an application with the Commission for permission to construct a spur track at grade across Race Street, in the vicinity of 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 said crossing does not lie within the limits of an incorporated municipality and no franchise is needed for its construction at grade; and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said street, and that this application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be and the same is hereby granted DIRECTOR GENERAL OF RAILROADS, SOUTHERN PACIFIC RAILROAD, to construct a spur track at grade across Race Street, in the vicinity of the City of San Jose, County of

Santa Clara, State of California, described as follows:

BEGINNING at a point in the west line of Race Street 60 feet north of the point of intersection of the north line of Moore Park Avenue and the west line of Race Street, thence northeasterly 100 feet crossing Race Street to a point in the east line of said street 135 feet north of the intersection of the road with line of Moore Park Avenue and said east line of Race Street.

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 the street 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 29th
day of August, 1919.

Edwin O. Egerton
H. D. Loveland
Frank R. Dutton
H. B. Brundage
James M. Martin

Commissioners.