

ORIGINAL

Decision No. 6832.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of PENINSULAR RAILWAY COMPANY, a corporation, for permission to abandon a spur track across the westerly side of Market Street near the northerly end of City Hall Park in the City of San Jose, California, and to construct, maintain and operate a spur track at grade across the westerly side of Market Street and the northerly side of San Carlos Street, in said City, in place thereof.

) Application No. 5049 .

By the Commission.

ORDER

PENINSULAR RAILWAY COMPANY, having on October 15, 1919, filed an application with the Commission for permission to abandon a spur track across the westerly side of Market Street near the northerly end of City Hall Park in the City of San Jose, California, and to construct, maintain and operate a spur track at grade across the westerly side of Market Street and the northerly side of San Carlos Street, in said city, in place thereof; and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the City Council of the City of San Jose has consented to the abandonment and installation of the spur tracks hereinbefore described; and it further appearing that public necessity demands the abandonment of said spur track and the construction of said new spur track; and that it is not reasonable nor practicable to avoid the construction of grade crossings of

the new spur with said streets; 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 PENINSULAR RAILWAY COMPANY to abandon a spur track across the westerly side of Market Street near the northerly end of City Hall Park in the City of San Jose, California, and to construct, maintain and operate a spur track at grade across the westerly side of Market Street and the northerly side of San Carlos Street, in said city, in place thereof; said crossings to be constructed subject to the following conditions, viz.:

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

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of the streets to be crossed now graded, with grades of approach not exceeding four (4) per cent; shall be protected by suitable crossing signs, 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 crossings 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 13th day of November, 1919.

Edwin O. Edgerly
Frank R. Gilman
J. H. Bourdige