

Decision No. 971-4

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the matter of the application of
The Western Pacific Railroad Company
for permission to construct a spur track
at grade across Lincoln Avenue near San
Jose, County of Santa Clara, State of
California.

Application No. 7287.

By The Commission:

O R D E R

The Western Pacific Railroad Company, a corporation, having on October 26, 1921, filed with the Commission an application for permission to construct a spur track at grade across Lincoln 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 necessary franchise or permit has been granted by the Board of Supervisors of said County of Santa Clara 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 Lincoln Avenue, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be hereby granted The Western Pacific Railroad Company to construct a spur track at grade across Lincoln Avenue, County of Santa Clara, State of California, described as follows:

Beginning at a point in the east line of Lincoln Avenue, County of Santa Clara, State of California, 203 feet north of the intersection of the northerly line of Saverer Avenue with the east line of Lincoln Avenue; thence along a curve concave to the right having a radius of 359.3 feet, to a point in the west line of Lincoln Avenue 216 feet north of the inter-

section of the northerly line of Sawyer Avenue
produced with said east 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 of
construction to conform to that portion of Lincoln Avenue now graded,
with grades of approach not exceeding two (2) 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) Applicant shall, within thirty (30) days thereafter, notify
this Commission, in writing, of the completion of the installation
of said crossing.

(4) The authorization herein granted for the installation of said
crossing shall lapse and become void one year from the date of this
order unless further time is granted by subsequent order.

(5) 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 4th day of November,
1921.

H. P. ...
H. ...
Dwight ...
...
...
Commissioners.