

Decision No. 27739.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of
SOUTHERN PACIFIC COMPANY for an order
authorizing the construction at grade
of a spur track across Rosa Street,
in the City of San Jose, County of
Santa Clara, State of California.

ORIGINAL

Application No. 19812.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, on February 1, 1935, applied for authority to construct a spur track at grade across Rosa Street, partly in the City of San Jose and partly in the unincorporated portion of Santa Clara County. Application for the necessary franchise or permit has been made to the City Council and the Board of Supervisors of said city and said county for the construction of said crossing at grade. It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing at the point mentioned and that the application should be granted subject to certain conditions,

IT IS HEREBY ORDERED that Southern Pacific Company is hereby authorized to construct a spur track at grade across Rosa Street, partly in the City of San Jose and partly in the unincorporated portion of Santa Clara County, at the location more particularly described in the application and as shown by the map attached thereto, subject to the following conditions:

- (1) The above crossing of Rosa Street shall be identified as Crossing No. DA-45.4-C.

- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (3) Said crossing shall be constructed equal or superior to the type shown as Standard No. 2, in our General Order No. 72, and shall be constructed without super-elevation and of a width to conform to that portion of said street now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding one (1) per cent, and shall be protected by a Standard No. 1 Crossing Sign, as specified in our General Order No. 75-A.
- (4) Applicant shall, within thirty (30) days, submit a certified copy of a franchise or permit from the City of San Jose and the County of Santa Clara for the construction of said crossing at grade, and in the event that this is not done, the authorization herein granted for the installation of said crossing shall then lapse and become void, unless further time is granted by further order.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (7) 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 14th day of February, 1935.

John O'Connell
W. A. Cum
W. B. K...
Stewart...
 Commissioners.