

Decision No. 28951.

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 side track across
Martha Street, in the City of San
Jose, County of Santa Clara, State
of California.

Application No. 20622.

ORIGINAL

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, on June 23, 1936, applied for authority to construct a spur track at grade across Martha Street, in the City of San Jose, Santa Clara County.

The necessary permit has been granted by the City Council of said city 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,

IT IS HEREBY ORDERED that Southern Pacific Company is hereby authorized to construct a spur track at grade across Martha Street, in the City of San Jose, County of Santa Clara, State of California, 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 Martha Street shall be identified as a portion of Crossing No. E-31.8-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 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 those shown on blueprint accompanying the application (Coast Division Drawing No. 70226), and shall be protected by two (2) Standard No. 1 crossing signs, as specified in our General Order No. 75-A.
- (4) No train, motor, engine or car shall enter upon said crossing unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman. After having entered upon the crossing, it shall be cleared as quickly as is practicable.
- (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 29th day of June, 1936.

M B Davis
M A C...
Walter ...
Drewn R. ...
 Commissioners.