

Decision No. 19662.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of The Western Pacific Railroad Company for an order permitting it to construct, maintain and operate its line of railroad at grade, First, across certain public roads, highways and streets in the Counties of Alameda and Santa Clara and in the City of San Jose, Second, across certain tracks of the Southern Pacific Company in the Counties of Alameda and Santa Clara, Third, across certain tracks of Peninsular Railway Company in the County of Santa Clara, and Fourth, across certain tracks of San Jose Railroads in the County of Santa Clara and in the City of San Jose.

ORIGINAL

Application No. 3139.

BY THE COMMISSION:

SIXTH SUPPLEMENTAL ORDER

The Western Pacific Railroad Company, applicant herein, on February 27th, 1928, filed its Sixth Supplemental Application in the above entitled proceeding, asking that Decision No. 4744, dated October 11th, 1917, be amended by eliminating therefrom the requirement that automatic flagmen be installed at Crossing No. 23, 24th Street, in the City of San Jose, and crossing No. 25, Williams Street, partly in the City of San Jose and partly in the unincorporated portion of the County of Santa Clara, and that in lieu thereof applicant be permitted to install standard overhead illuminated "X" signs. It appears that under Decision No. 9779, dated November 18th, 1921, applicant was permitted to

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suspend the installation of automatic flagmen at said 24th Street and said Williams Street until such time as these streets were paved with permanent pavements, and that said 24th Street and said Williams Street have now been paved with permanent pavements. It further appears that because of the proximity of said Williams Street to the main San Jose yard of applicant, an automatic flagman would not afford satisfactory protection at that crossing and that applicant's trains now move over said crossing at a speed not in excess of five miles per hour. It appears to the Commission that this is not a matter in which a public hearing is necessary and that said Sixth Supplemental Application should in part be granted and in part be denied, therefore,

IT IS HEREBY ORDERED that such portions of the Commission's Decision No. 4744, dated October 11th, 1917, and Decision No. 9779, dated November 18th, 1921, in the above entitled proceeding which require the installation of an automatic flagman at crossing No. 25, Williams Street, be and are hereby rescinded and in lieu of said automatic flagman, applicant shall provide the following protection:

(1) Install an overhead crossing sign or signs visible to traffic in both directions on said Williams Street in accordance with Standard No. 2 of the Commission's General Order No. 75. Said sign or signs shall be illuminated at night.

(2) Provide illumination during all night hours by means of street lights or otherwise in such a manner that cars passing over the crossing can be clearly seen by traffic moving in each direction on said Williams Street.

(3) No train, motor, engine or car shall be operated

over said crossing at a speed in excess of five miles per hour.

IT IS HEREBY FURTHER ORDERED that that portion of applicant's Sixth Supplemental Application in this proceeding, which relates to the modification of the protection heretofore ordered for the crossing of 24th Street, be and it is hereby denied, and the applicant is hereby directed to carry out all provisions relating to this crossing in the Commission's orders heretofore entered in this proceeding.

In all other respects, this Commission's orders heretofore entered in the above entitled proceeding shall remain in full force and effect.

Dated at San Francisco, California, this 23^d day of April, 1928.

Leon Whiteley
Clarence
Ernest
Paul S. Kirtland
W. J. C.
Commissioners.