

Decision No. 23198.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of SOUTHERN PACIFIC COMPANY for an order authorizing construction at grade and at separated grades of railroad tracks across certain streets, lanes, alleys and highways, and across the track of The Western Pacific Railroad Company at locations hereinafter described, in the City of San Jose and in the vicinity of San Jose, County of Santa Clara, State of California.

ORIGINAL

Application No. 14948.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

It appearing that, in connection with the construction of the undergrade crossing of Park Avenue with the tracks of Southern Pacific Company heretofore authorized in this proceeding, it will be necessary to temporarily relocate the track of the Peninsular Railway Company and that said relocation will involve the moving of the crossing of said track of the Peninsular Railway Company with the tracks of the Southern Pacific Company and the construction of temporary crossings of Kearny Street and Dupont Street and with portions of Park Avenue in the vicinity of said grade separation and Southern Pacific Company having requested that a supplemental order be issued in this proceeding permitting said temporary crossings, and good cause appearing,

IT IS HEREBY ORDERED that Southern Pacific Company and Peninsular Railway Company be authorized to construct a temporary crossing of the track of the Peninsular Railway Company with Kearny Street and a portion of Park Avenue in the City of San Jose and Dupont Street and a portion of Park Avenue in the unincorporated

portion of the County of Santa Clara and with the tracks of Southern Pacific Company, subject to the following conditions:

- (1) The entire expense of constructing and thereafter maintaining the crossings in good and first-class condition for safe and convenient use, shall be borne by applicant.
- (2) Said crossings of Kearny Street, Dupont Street and Park Avenue 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 those portions of said streets now graded, with the tops of rails flush with the roadway and shall be protected by a Standard No. 2 crossing sign as specified in our General Order No. 75.
- (3) All trains, motors, engines and cars of the Peninsular Railway Company shall stop before proceeding over said crossing with the tracks of the Southern Pacific Company and shall not proceed across said crossing until it has been ascertained that it is safe so to do.
- (4) That upon the completion and the opening to travel of the Park Avenue grade separation said crossings shall be removed.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings 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 crossings, 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 19th day of December, 1930.

Cl. Sawyer  
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John D. Latta  
W. H. Cur  
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Commissioners.