

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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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 road, high ways 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 Peninsula 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:

FIFTH SUPPLEMENTAL ORDER

The Western Pacific Railroad Company, applicant herein, having on July 19, 1922, filed Fifth Supplemental Application in the above entitled proceeding asking that Decision No. 4744 be amended by eliminating therefrom the requirements that automatic flagman of a type approved by the Commission should be installed at the crossings No. 35, Broadway Avenue; No. 37, Sunol Street; No. 38, Saveker Street; No. 42, Park Avenue, and requiring that crossing gates should be maintained at crossing No. 39, San Salvador Street and requiring that a human flagman should be maintained at crossing No. 43, San Fernando Street; and it appearing that in Decision No. 9779, Third Supplemental Order, decision as to modification of the original order herein, Decision No. 4744, was reserved until applicant's track had been constructed across crossings Nos. 35 to 43, both inclusive, and that said track has been constructed over said crossings Nos. 35 to 43, both inclusive, and it appearing further that this is not a matter in which a public hearing is necessary and that said Fifth Supplemental Application, should in part be granted, and in part denied,

IT IS HEREBY ORDERED that Decision No. 4744 be and it is amended as follows:

(1) For crossing No. 35, Broadway Avenue, and crossing No. 38 Savaker Street, applicant is authorized to suspend the installation of an automatic flagman until further notice from this Commission.

(2) For crossing No. 43, San Fernando Street, applicant is authorized to suspend the maintenance of a human flagman at this crossing until this street is paved with permanent, hard surface pavement from the City of San Jose to Wilson Street, in the County of Santa Clara.

(3) For crossing No. 39, San Salvador Street, applicant may at its option install an automatic flagman for the protection of this crossing in lieu of the maintenance of crossing gates, said automatic flagman to be installed in accordance with plans or data approved by the Commission.

(4) For crossings No. 40, Sunol Street, and crossing No. 42 Park Avenue, that part of the said Fifth Supplemental Application dealing with these crossings is hereby denied.

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 3rd day of

January 1923
~~December, 1922.~~

H. B. Mendez

Dring Martin

Herb H. Lawrence

Commissioners.