

Decision No. 9263

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

-000-

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, 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:

SUPPLEMENTAL ORDER

Applicant having on May 5, 1921, filed supplementary application asking, first, that that portion of Decision No. 4744 which required it to construct an interlocking plant at its intersection with tracks of Peninsular Railway Company at Berryessa Road be vacated, and, in lieu thereof, asking permission to make said crossing at grade subject to the restriction that all trains on the line of either applicant or Peninsular Railway Company be stopped before reaching the intersection and crossing of these two railroads, Peninsular Railway Company having acquiesced in this request, and secondly, that that portion of Decision No. 4744 which required it to install crossing gates at its crossing of Berryessa Road also be vacated, the Commission being of the opinion that this is not a case in which a public hearing is necessary and it appearing that this supplementary application should be granted,

IT IS HEREBY ORDERED, that that portion of Condition No. 2 of said Decision No. 4744, referring to railroad track Crossing No. 2, Peninsular Railway Company's crossing on Berryessa Road, be and the

same is hereby vacated.

IT IS HEREBY FURTHER ORDERED, that after the installation of crossing frogs in the tracks of the Peninsular Railway Company at Crossing No.2, crossing of the Peninsular Railway Company near the Berryessa Road, all engines, trains, motors and cars of applicant and of Peninsular Railway Company shall come to a full stop before passing over the same and shall not proceed until it has been certain that it is safe so to do, and all engines, trains, motors and cars of applicant and Peninsular Railway Company shall cross over the same at a speed not exceeding six miles per hour.

IT IS HEREBY FURTHER ORDERED, that in Condition No.6 of Decision 4744, that portion referring to the crossing at Berryessa Road, Crossing No.15, be and the same is hereby vacated.

IT IS HEREBY FURTHER ORDERED, that for the protection of Crossing No.15 Berryessa Road, an automatic flagman of the type approved by the Commission shall be installed, the entire expense of installation and maintenance of which shall be borne by applicant.

IT IS HEREBY FURTHER ORDERED, that the Commission reserve the right to make such further orders relative to the construction, operation, maintenance and protection of the crossings herein mentioned as to it may seem right and proper and to revoke its permission if in its judgment public convenience and necessity demand such action.

Dated at San Francisco, California, this 1st day of June, 1921.

H. B. Richardson
H. S. Woodward

W. C. Benedict
Commissioners.