

Decision No. 4468.

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:

SECOND SUPPLEMENTAL ORDER.

Western Pacific Railroad Company, applicant herein, having on August 30, 1921, filed a second supplemental application stating that in Decision No. 4744 it was ordered, among other things, that "For the protection of Crossing No. 2, Peninsular Railway Company's crossing on Berryessa Road, Crossing No. 5, crossing of Southern Pacific Company's main line, and Crossing No. 9, College Park and Santa Cruz line of Southern Pacific Company, applicant shall, at its own expense, install first-class interlocking plants, the maintenance of which shall be borne by applicant, Southern Pacific Company and Peninsular Railway Company for their respective crossings, in proportions to be determined in a supplemental order, provided applicant is unable to agree with Southern Pacific Company and Peninsular Railway Company concerning the same", applicant stating that it has agreed with said Southern Pacific Company regarding the construction and maintenance of interlocking

tower at said Crossing No.5 in said decision, and has signed a contract with General Railway Signal Company for the construction of said interlocking plant, and has been informed that construction of said plant has been started and that the same will probably be completed and installed on or before December 31, 1921, and has constructed its branch line of railway from Niles to San Jose, to a point near the said Crossing No.5, being a crossing of the main line of the Southern Pacific Company from San Francisco to Los Angeles at a point approximately 1200 feet south of the southerly side or limit of the City of San Jose, and is desirous of continuing the construction of its said branch line according to the plans thereof filed with this Commission, but has made an agreement with the said Southern Pacific Company for the construction of the said Crossing No.5, and the operation of construction trains thereon, pending the installation of the said interlocking plant hereinabove referred to, subject to the approval of this Commission, applicant further stating that copies of letters expressing the understanding between applicant and Southern Pacific Company are attached to said second supplemental application marked "Exhibits A and B", respectively; that formal agreement embodying the terms of said understanding is in course of preparation and copies thereof will be filed with the Commission as soon as completed and that installation of the temporary protection referred to in Exhibit A hereof is expected to be completed on or about September 10th, applicant applies for an order authorizing it to construct said crossing No.5 and to operate trains thereover until the installation of interlocking plant required by said decision, such operation to be conducted subject to the conditions set forth in Exhibit "A" attached to the application, and it appearing that this is not a matter in which a public hearing is necessary and that the application should be granted.

IT IS HEREBY ORDERED, that Western Pacific Railroad Company be and is hereby authorized to construct said crossing No.5 and to

operate trains thereover until the installation of the interlocking plant required by Decision 4744 in this same matter, such operation to be conducted subject to the conditions as set forth in Exhibit "A" attached to second supplemental application in Application No. 3139.

Dated at San Francisco, California, this 7<sup>d</sup> day of September, 1921.

H. B. Burdige

Charles H. Rowan  
J. J. [unclear]  
Commissioners.