

Decision No. 2983.

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 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.

Application No. 3139.

By The Commission:

FOURTH SUPPLEMENTAL ORDER.

The Western Pacific Railroad, applicant herein, having on December 29, 1921, filed a fourth supplemental application stating, "That in and by Decision No. 4744 it was ordered in part that for the protection of Crossing No. 9, College Park and Santa Cruz line of Southern Pacific Company, applicant should install a first-class interlocking plant;" that "Applicant's San Jose Branch is now built up to the said crossing and applicant is desirous of continuing the construction thereof to its termination near the Alameda and has agreed with the Southern Pacific Company upon the terms of said crossing, pending the installation of said interlocking plant;" and that "It has been agreed, by the parties that all trains of each line will stop and ascertain that the track is clear before proceeding over the crossing and, in addition thereto, that all trains of applicant will

flag in each direction along the tracks of the Southern Pacific Company before trains proceed over said crossing; that the use of said crossing by applicant will, at present, be very light, being primarily by construction trains, and that the interlocking plant which has now been ordered will be installed and in operation on or about March 15, 1922; the applicant having also filed copies of correspondence between Southern Pacific Company and applicant, setting forth the said agreement between Southern Pacific Company and applicant, 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 The Western Pacific Railroad Company be and it is hereby authorized to construct said crossing No. 9 and to operate trains thereover until the installation of the interlocking plant required by Decision No. 4744 in this same matter, such operation to be conducted subject to the conditions as set forth in Exhibits "A" and "B" attached to fourth supplemental application in Application No. 3139.

Dated at San Francisco, California, this 9<sup>th</sup> day of January, 1922.

*H. P. Anderson*  
*H. D. Overland*  
*Dividing Master*  
*Blanchard*  
*J. H. Anderson*  
Commissioners.