

Decision No. 28255

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the 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:

SIXTH SUPPLEMENTAL ORDER

Southern Pacific Company, applicant herein, has filed an application for a supplemental order in the above entitled proceeding requesting authority to construct temporary crossings at grade of its new main line track through the City of San Jose with Almaden and Northern Roads pending the construction of the grade separation at Almaden Road heretofore ordered by the Commission in Decision No. 20822, dated February 27, 1929.

It appears that said temporary crossings are necessary in connection with the track laying and other construction work required by the San Jose line change project and that it will be impossible to complete the grade separation without unnecessarily delaying other construction work and the date of beginning of operations over the new line. It therefore appears reasonable that the request of applicant be granted with the condition that these temporary crossings be used for construction purposes only and that they be removed by July 1, 1936.

IT IS HEREBY ORDERED that Southern Pacific Company is

hereby authorized to construct a temporary track at grade across Almaden and Northern Roads in the vicinity of San Jose, County of Santa Clara, State of California, said temporary track being at the location more particularly described as the westward main line track in Exhibit "A", attached to the original application in this proceeding and shown on Sheets 7 and 8 of M.W.D. Drawing No. 6400 attached to said application, subject to the following conditions:

- (1) Said crossings shall be used for construction purposes only, unless authority for their use in connection with main line train operations is authorized by the Commission by subsequent order.
- (2) The entire expense of constructing and thereafter maintaining the crossings in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (3) Said crossings 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 roads now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding six (6) per cent, and shall be protected by Standard No. Crossing Signs as specified in our General Order No. 75-A.
- (4) No train, engine, motor or car shall be operated over said crossings unless said train, engine, motor or car shall be first brought to a stop and traffic on the highway protected by a member of the train crew or other competent employee acting as flagman.
- (5) Said crossings shall be abolished on or before July 1, 1936.
- (6) 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.
- (7) 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.
- (8) 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 30th day of September, 1935.

Leon Whidell

W. J. Coo

W. B. Harris

W. H. ...