

**ORIGINAL**

Decision No. 28474 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of Southern Pacific Company and The Western Pacific Railroad Company for an order approving an agreement dated December 11, 1935, between Southern Pacific Company, Southern Pacific Railroad Company and The Western Pacific Railroad Company, relating to railroad crossing at Valbrick, in the City of San Jose, County of Santa Clara, State of California, and abandonment of manually controlled interlocking system at said crossing.

Application No. 20318.

BY THE COMMISSION:

O R D E R

Southern Pacific Company and The Western Pacific Railroad Company, on December 20, 1935, applied for authority from this Commission to abandon and remove the manually controlled interlocking system maintained at the crossing of the respective railroads of the petitioners at Valbrick, in the City of San Jose, County of Santa Clara, State of California, and installed under authority of Decision No. 25767, dated March 27, 1932, coincident with operation over the new line through San Jose, and further request approval by this Commission of an agreement between Southern Pacific Company, Southern Pacific Railroad Company and The Western Pacific Railroad Company, dated December 11, 1935, relating to maintenance of and operation over said crossing subsequent to such abandonment and removal of interlocking system.

It appears to the Commission that these requests are reasonable and that a public hearing is not necessary herein, therefore,

IT IS HEREBY ORDERED that permission be and it is hereby granted to Southern Pacific Company and The Western Pacific Railroad Company to abandon and remove the manually controlled interlocking plant at Valbrick, in the City of San Jose, County of Santa Clara, State of California, coincident with the cessation of main line train operation by Southern Pacific Company at this location, subject, however, to the condition that petitioners amend said agreement as hereinafter set forth.

IT IS HEREBY FURTHER ORDERED that said agreement, made December 11, 1935, between Southern Pacific Company, Southern Pacific Railroad Company and The Western Pacific Railroad Company pertaining to the maintenance of and operation over the said crossing at Valbrick, is approved, provided it be amended as follows:

Referring to Article 12, Page 4, insert the following immediately preceding the last sentence:

"In the event that locomotives, motors, trains or cars of either Southern Company or the Western Company have approached the crossing and made the stop, as hereinabove required, and any locomotives, motors, trains or cars are approaching upon the conflicting route within a distance which will render them in any way liable to conflict with the movement over the crossing about to be made, such movement shall not be made until the locomotives, motors, trains or cars approaching upon the conflicting route have been brought to a stop."

The Commission reserves the right to make such further orders relative to the construction, operation and maintenance of this crossing 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 effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of December, 1935.

Leon Whitley

W. A. Linn

Frank R. Dwyer  
Commissioners.