

Decision No. 32521

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) Application No. 14948
highways, and across the track of The)
Western Pacific Railroad Company at loca-)
tions hereinafter described, in the City)
of San Jose and in the vicinity of San)
Jose, County of Santa Clara, State of)
California.)

ORIGINAL

BY THE COMMISSION:

TENTH SUPPLEMENTAL ORDER

City of San Jose and Southern Pacific Company have applied for a supplemental order in the above-entitled proceeding modifying one of the conditions of Decision No. 20559, dated December 6, 1928. Said decision relates to a number of crossings of streets and roads with the tracks of Southern Pacific Company in the City of San Jose, among them being several grade separations. With respect to the terms and conditions of maintenance of these grade separations Decision No. 20559 provides as follows:

Condition (2), page 10, of the original decision:

"The cost of said crossings, including the cost of property damage, and the future maintenance, shall be borne in accordance with the terms set forth in Ordinance No. 2174, passed by the City Council of the City of San Jose on the sixteenth day of April, 1928."

The City of San Jose and Southern Pacific Company have agreed to modification of the terms of maintenance of one of the structures authorized in this decision, namely, San Carlos Street viaduct, and request modification of the above-quoted condition.

Good Cause Appearing,

IT IS HEREBY ORDERED that Condition (2), referred to above, is amended to read as follows:

CORRECTION

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THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

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The City of San Jose and Southern Pacific Company have agreed to modification of the terms of maintenance of one of the structures authorized in this decision, namely, San Carlos Street viaduct, and request modification of the above-quoted condition.

Good Cause Appearing,

IT IS HEREBY ORDERED that Condition (2), referred to above, is amended to read as follows:

"The cost of said crossings, including the cost of property damage, and the future maintenance, shall be borne in accordance with the terms set forth in Ordinance No. 2174, passed by the City Council of the City of San Jose on the sixteenth day of April, 1928."

"Provided, however, that with respect to the grade separation at San Carlos Street, where the roadway is carried by an overhead structure over the tracks and property of Southern Pacific Company, the City shall, in addition to the obligations already imposed upon it by said Ordinance No. 2174, maintain at its own expense the supporting structure beneath said overhead roadway or viaduct."

In all other respects Decision No. 20559 shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 31st day of October, 1939.

Paul W. ...
George ...
Carl ...
...
James J. ...
Commissioners