

ORIGINAL

Decision No. 35894

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of application of SOUTHERN )  
PACIFIC COMPANY for an order authorizing )  
the construction at grade of a spur track )  
across Valley Boulevard (State Highway No. ) Application No. 25293  
99), at Kaiser (formerly Etiwa), County of )  
San Bernardino, State of California. )

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

Applicant Southern Pacific Company, in its Petition for Modification filed November 30, 1942, asks for certain modifications in Decision No. 35894, dated October 20, 1942,

Good Cause Appearing, IT IS HEREBY ORDERED that:

I. Crossing protection shall be in accordance with the provisions of Decision No. 35894, dated October 20, 1942, and shall be installed and maintained by applicant at its expense, as provided in said order, provided, however, that if applicant is unable to secure War Production Board authority to obtain or use the crossing signals, floodlights, and advance warning signs, as provided in said Decision No. 35894, applicant shall protect train movements over said crossing by a human flagman until such time as said signal protection can be provided.

II. The third paragraph on sheet 3 of said Decision No. 35894, reading as follows:

"The grade crossing herein authorized shall be abolished on or before January 1, 1944, unless further time is granted by the Commission. In accepting the authority herein granted applicant is placed on notice that if and when the Commission determines that a grade separation is required at this point, the matter will be handled without prejudice to the interest of the parties as they now exist."

shall be amended to read:

"This authorization shall be considered temporary and shall expire six months after the end of the existing war emergency in so far as it affects this project, unless further time is granted by subsequent order. In accepting the authority

herein granted applicant is placed on notice that if and when the Commission determines that a further modification of this order is necessary, or that a grade separation is required at this point, the matter will be handled without prejudice to the interest of the parties as they now exist."

In all other respects Decision No. 35894 shall remain in full force and effect.

Dated at San Francisco, California, this 8<sup>th</sup> day of December, 1942.

Justus J. Coe

H. Baker

Francis R. Havens

Richard K. Ketchum

Commissioners