

Decision No. 38842

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN PACIFIC COMPANY and THE
WESTERN PACIFIC RAILROAD COMPANY to
construct, operate and maintain a
crossing of switching lead track over
San Jose Branch of The Western Pacific
Railroad Company at San Jose, County
of Santa Clara, State of California.

ORIGINAL

Application No. 27324

BY THE COMMISSION:

O R D E R

The Southern Pacific Company and The Western Pacific Railroad Company on March 16, 1946, applied for authority to construct, maintain, and operate a railroad crossing at grade of proposed Southern Pacific-Western Pacific joint switching lead track across the tracks of The Western Pacific Railroad Company main line of San Jose branch, at a location adjacent to the rail crossings at grade of the Southern Pacific Company's former main line and The Western Pacific Railroad Company's main line San Jose Branch, in the County of Santa Clara, State of California, at the particular location and in the manner shown upon map and profile marked Exhibit "A" and map marked Exhibit "B," attached to the application and by reference made a part thereof.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing at the point mentioned; and that the application should be granted, subject to certain conditions;

IT IS HEREBY ORDERED that the Southern Pacific Company and The Western Pacific Railroad Company are hereby authorized to construct, maintain, and operate a rail crossing at grade of a

proposed W.P.-S.P. joint switching lead over main line of the San Jose Branch of The Western Pacific Railroad Company, in the County of Santa Clara, at the location more particularly described in the application, and as shown upon CE 6319 map and profile of The Western Pacific Railroad Company, San Jose Branch, San Jose, attached thereto, marked Exhibit "A," and made a part thereof, subject to the following conditions:

- (1) The expense of constructing and maintaining the crossing in first-class condition for safe and convenient railway use, the allocation of other expenses which may be incurred in connection with the use of the crossing, and the method of safeguarding operation thereof shall be agreed to in writing between the Southern Pacific Company and The Western Pacific Railroad Company, and a certified copy of such agreement shall be filed with the Commission not later than December 31, 1946.
- (2) In the use of the crossing herein authorized, in conjunction with the two Western Pacific-Southern Pacific crossings adjacent on the West, the manner of protecting the operations over which is prescribed in the order in our Decision No. 28474 on Application No. 20318, for the abandonment of an interlocking system at this location, effective December 27, 1935, all engines, cars, or trains approaching the crossings on the tracks of The Western Pacific Railroad Company shall come to a stop not less than 10 feet nor more than 50 feet from the nearest rail of the first crossing approached, and shall not proceed thereafter until receiving an appropriate signal from a qualified employee. Such signal shall not be given until it has been definitely ascertained that any engines, cars, or trains which may be approaching on a conflicting route, under conditions which will render it possible for an interference to occur with the movement about to be made over the crossings; have been brought to a stop. All engines, cars, or trains approaching the crossing on the tracks of the proposed W.P.-S.P. joint switching lead shall come to a stop not less than 10 feet nor more than 50 feet from the nearest rail of the crossing, and shall not proceed thereafter until it has

(2) Continued

been definitely ascertained that any engines, cars, or trains which may be approaching on the conflicting route, under conditions which will render it possible for an interference to occur with the movement about to be made over the crossing, have been brought to a stop. Engines, cars, or trains on the tracks of the Southern Pacific Company or the W.P.-S.P. joint switching lead shall take precedence in the use of the crossing after the required stops have been made.

- (3) Copies of operating bulletins issued by the Southern Pacific Company and The Western Pacific Railroad Company governing the use of the crossings, under the conditions herein outlined, shall be filed with the Commission before operation over the joint switching lead is commenced.

This authorization shall become void if not exercised within one (1) year from the date of this order, unless time be extended or if its conditions are not complied with, and may be revoked or modified if public convenience, necessity, or safety so require. This order shall be effective immediately.

Dated at San Francisco California, this 9th day of

April, 1946.

David C. Quinn
Justin J. Casner
Francis W. Cleva
Frank J. Lawrence
Harold P. Hule
COMMISSIONERS