

Decision No. 29477

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 railroad track crossing at grade at San Jose, County of Santa Clara, State of California.

Application No. 27814

ORIGINAL

ORDER

The Southern Pacific Company and The Western Pacific Railroad Company on August 31, 1946, applied for authority to construct, maintain, and operate a railroad crossing at grade of proposed Southern Pacific-Western Pacific joint lead track across the tracks of the Western Pacific Fifth Street lead at San Jose, 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," attached to the application and by reference made a part thereof.

Information in the file shows that six to eight train movements per day are anticipated over the crossing on the Fifth Street lead, and it is estimated that four movements per day will occur on the proposed Southern Pacific-Western Pacific joint lead track.

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 S.P.-W.P. joint lead track over the Fifth Street lead 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 map and profile of The Western Pacific Railroad Company, 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 July 1, 1947
- (2) In the use of the crossing herein authorized, all engines, cars, or trains approaching the crossing on the tracks of the Western Pacific-Southern Pacific joint lead, shall come to a stop not less than 10' nor more than 50' from the nearest rail of the crossing, 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 the 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 on the tracks of the Western Pacific Fifth Street lead shall approach the crossing at a speed no greater than that from which a stop can be made before fouling the crossing in the event the crossing is occupied or about to be occupied by an engine, car, or train on the conflicting route. Engines, cars, or trains on the tracks of the Western Pacific Fifth Street lead shall take precedence in the use of the crossing.
- (3) Copies of operating bulletins issued by the Southern Pacific Company and The Western Pacific Railroad Company governing the use of the crossing, under the conditions herein outlined, shall be filed with the Commission before operation over the joint lead track 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 Los Angeles, California, this 1<sup>st</sup> day of October, 1946.

Lawrence D. Kuhl

Justin F. Casper  
Thomas W. DeWitt

A. E. Anderson

COMMISSIONERS