

Decision No. 46365

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES 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 the switching lead track of THE  
 WESTERN PACIFIC RAILROAD COMPANY.

Application No. 32832

ORDER

Southern Pacific Company, a corporation, on October 19, 1951 applied for authority to construct a spur track at grade across the industrial lead track of The Western Pacific Railroad Company in the vicinity of San Jose, County of Santa Clara, State of California. The Western Pacific Railroad Company has consented in writing to the construction of the said crossing at grade across its industrial 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 ORDERED that Southern Pacific Company is hereby authorized to construct its spur track at grade across the industrial lead track of The Western Pacific Railroad Company in the City of San Jose, County of Santa Clara, State of California, at the location more particularly described in the application and as shown by the map, Coast Division Drawing 18555, Sheet 2, attached thereto, subject to the following conditions:

1. The entire expense of constructing and thereafter maintaining the crossing in good and first class condition for safe and convenient railway use shall be borne by applicant in accordance with agreement heretofore entered into.

2. All trains, motors, engines and cars of applicant shall stop before proceeding across said crossing and shall not pass thereover until a member of the train crew or other competent employee has gone upon the crossing and has ascertained that no cars or trains are approaching from either direction upon the conflicting route within a distance and at a speed which will in any way render them liable to conflict with the movement about to be made over the crossing, following which said employee must give a suitable signal to proceed.

All trains, motors, engines and cars of The Western Pacific Railroad Company shall stop before proceeding across said crossing and shall not pass thereover until it has been ascertained that no cars or trains are approaching from either direction upon the conflicting route within a distance and at a speed which will in any way render them liable to conflict with the movement about to be made over the crossing. The Western Pacific Railroad Company shall take precedence in the use of the crossing.

3. Before operations are commenced over the said crossing each carrier concerned shall file with the Commission copies of their respective operating bulletins providing for a method of operation which will be in full compliance with Condition 2 as outlined above.

4. Applicant shall within thirty (30) days thereafter notify this Commission in writing of the completion of the installation of the said crossing and of its compliance with the conditions hereof.

5. The authority herein granted shall lapse if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.

6. The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as it may deem right and proper and to revoke its permission if in its judgment public convenience and necessity demand such action.

The authority herein granted shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 20th day of October, 1951.

P. J. [Signature]  
President  
Justin F. [Signature]  
Harold P. [Signature]  
Kenneth [Signature]  
Ed E. [Signature]  
Commissioners