

ORIGINALDecision No. 58063

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF SAN JOSE,)
 CALIFORNIA, for permission to construct)
 a separation of grade, by construction of)
 an overpass, over existing tracks of the) Application No. 39689
 Southern Pacific Company at the location)
 of existing grade crossing No. E-45.6.)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 57018 in the above-numbered application, the City of San Jose was authorized to construct Hedding Street at separated grades over the track of the Southern Pacific Company in the City of San Jose. The decision provides that upon completion of the Hedding Street Overpass, Crossing No. E-45.6, Hedding Street crossing at grade, shall be abandoned and closed.

By First Supplemental Application No. 39689, the City of San Jose has requested authority to abandon the Hedding Street grade crossing before the Hedding Street Overpass is completed. The city alleges that, due to the nature of the work, it is necessary for the crossing to be closed and for the automatic gates to be removed so that the contractor may proceed with the construction of the overpass. A detour for the traffic now using Hedding Street has been provided which will cross over the Southern Pacific Company tracks at the presently existing Emory Street crossing (No. E-45.7). Therefore, good cause appearing,

IT IS ORDERED:

(1) That the Hedding Street grade crossing (E-45.6) may be closed at once by the City of San Jose and the automatic protection placed thereat may be removed;

(2) That upon closing the Hedding Street grade crossing the Emory Street crossing (E-45.7) shall be provided with protection by

a human flagman for a period of 24 hours each day until such time as the Hedding Street Overpass is completed and open to traffic;

(3) That upon completion of the Hedding Street Overpass and its opening to traffic, the flagman protection at Emory Street may be placed on the 16-hour schedule presently in effect;

(4) That the cost of providing the additional flagman protection over and above that presently at Emory Street shall be borne according to an agreement to be entered into between the parties, or if they fail to agree, by further order of this Commission.

In all other respects, Decision No. 57018 shall remain in full force and effect.

The City of San Jose has stated that the immediate closing of Hedding Street grade crossing is necessary in order that construction shall not be delayed. Therefore, the effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 2nd day of March, 1959.

E. L. Fox
President

Theodore Deener
Comptroller
Commissioners