

Decision No. 69066**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

Application of the CITY of SAN JOSE, California, for permission to construct Stokes Street at grade across existing tracks of the Southern Pacific Company,

Application No. 45927

Investigation on the Commission's own motion to determine whether or not a crossing at grade of Stokes Street in the City of San Jose with the track of the Vasona Branch of Southern Pacific Company should be constructed, and if said grade crossing is to be constructed, the proportions in which the expense of constructing such crossing shall be divided among the railroad involved and applicable public agencies.

Case No. 7872

ORDER AMENDING DECISION  
AND DENYING REHEARING

Southern Pacific Company, a corporation, having petitioned for rehearing of Decision No. 68729, the Commission having considered said petition, and being of the opinion that said decision should be amended, but that no good cause for rehearing has been shown,

IT IS ORDERED that Conclusion No. 3 on page 6 is deleted;

IT IS FURTHER ORDERED that paragraph 3 on page 7 is amended to read as follows:

"The maintenance costs of the crossings between lines two feet outside rails shall be borne by the Southern Pacific Company. Allocation of maintenance costs for protective devices at the crossing is deferred until further order of the Commission."

Rehearing of Decision No. 68729 as amended by this order  
is hereby denied.

Dated at Los Angeles, California, this 18<sup>th</sup>  
day of MAY, 1965.

Frederic B. Holbrook  
President  
George D. Weaver  
Augusta  
Commissioners

Commissioner William M. Bennett, being  
necessarily absent, did not participate  
in the disposition of this proceeding.

*I dissent*  
*John E. [Signature]*