

Decision No. 76866**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of San Jose,)
 a Municipal Corporation of the State)
 of California, for permission to)
 construct a new street overpass over)
 the railroad tracks of the Southern)
 Pacific Company at a place approxi-)
 mately four hundred feet (400'))
 southerly of the existing Cottle)
 Road Railroad Crossing (E-58.6),)
 and to abolish by physical closing)
 said Cottle Road Railroad Grade)
 Crossing upon completion and)
 acceptance of the new street over-)
 pass.)

Application No. 51313
 (Filed August 12, 1969)

O R D E R

City of San Jose is hereby authorized to construct a crossing at separated grades of Blossom Hill Road over the tracks of Southern Pacific Transportation Company in San Jose, Santa Clara County, at the location and substantially as shown by plans (Exhibit A) attached to the application, to be identified as Crossing No. E-58.7-A. Construction and maintenance expense shall be borne in accordance with an agreement to be entered into between the parties relative thereto, and copy of the agreement, together with plans of the crossing approved by Southern Pacific Transportation Company, shall be filed with the Commission within 130 days from the date hereof. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

Clearance shall be in accordance with General Order 26D, except that during the period of construction a clearance of not less than 21'6" above top of rail is authorized and

Southern Pacific Transportation Company is authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride tops of cars.

The applicant shall notify the Commission and Southern Pacific Transportation Company at least fifteen, but not more than thirty days in advance of the date when the temporary impaired clearance will be created.

Walkway areas adjacent to Southern Pacific Transportation Company tracks shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

Upon opening to traffic of the grade separation authorized herein, existing grade Crossing No. E-58.6, Cottle Road, approximately 400 feet northwesterly, shall be abolished by physical closing.

This project was assigned Priority No. 1 by Decision No. 76497 in Case No. 8950, dated December 2, 1969, which established the 1970 grade separation priority list pursuant to Section 189 of the Streets and Highways Code.

Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within three years unless time

be extended or if conditions are not complied with. The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 3rd day of MARCH, 1970.

William J. ...
 President

August ...

J. ...

...

Verma L. Sturgeon
 Commissioners