

ORIGINAL

Decision No. 12734

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the Application of)
 The Western Pacific Railroad Company)
 for permission to construct a spur)
 track at grade across Lincoln Street,) Application No. 9531.
 a public highway in the City of)
 Stockton, County of San Joaquin,)
 State of California.)

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, having on November 19, 1923, filed with the Commission an application for permission to construct a spur track at grade across Lincoln Street in the City of Stockton, County of San Joaquin, State of California as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit (Ordinance No. 856) has been granted by City Council of said City of Stockton for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said spur track, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED that permission be and it is hereby granted The Western Pacific Railroad Company to construct a spur track at grade across Lincoln Street in the City of Stockton, County of San Joaquin, State of California, described as follows:

Beginning at the point of switch in the center line of the track of The Western Pacific Railroad Company known as the "Water Front Line", said point being distant approximately one hundred and two (102) feet westerly of the easterly line of Lincoln Street; thence in an easterly direction with switch and turnout to the left approximately sixty-eight (68) feet; thence on a curve to the left approximately sixty-nine (69) feet, crossing said easterly line of Lincoln Street approximately two hundred and eight and five-tenths (208.5) feet southerly of the southerly line of Washington Street; thence on a curve to the right approximately twenty (20) feet to a point, said point being distant eight and five tenths (8.5) feet southerly of the southerly boundary line of Block "R"; thence eight and five-tenths (8.5) feet from and parallel with said boundary line approximately one hundred (100) feet to the westerly property line of said Block "R"; thence continuing on the same tangent easterly, upon and across private property a distance of approximately one hundred and forty-two (142) feet to the point of termination at or near the westerly line of Van Buren Street and approximately ninety-eight (98) feet northerly of the northerly line of Lafayette Street; the total length of said spur being four hundred (400) feet from the point of beginning.

All of the above as shown by the map (marked Exhibit "A") attached to the application; said crossing to be constructed subject to the following conditions, viz: -

(1) The entire expense of constructing the crossing together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of said street now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding two (2) per cent.; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

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

This order shall become effective three (3) days after the making thereof.

Dated at San Francisco, California, this 17th day of December, 1923.

C. Seaver

H. B. Burdick

Irving Martin

Edward Shore

J. F. Whitney
Commissioners.