

ORIGINAL

Decision No. 12935-

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 Lindsay )  
Street and Edison Street, public ) Application No. 9532.  
highways 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 Edison Street and a portion of the intersection of Edison Street and Lindsay 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. 855) has been granted by the City Council of said City of Stockton for the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said Edison Street and Lindsay Street, 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 Edison Street and a portion of the intersection of Edison and Lindsay Streets, City of Stockton, County of San Joaquin, State of California, described as follows:

Beginning at a point on the east side of Edison Street, said point being located eight and five-tenths (8.5) feet west of the east line of Edison Street and thirty-seven and one-half ( $37\frac{1}{2}$ ) feet north of the north line of Miner Levee, said point being also the south end of said Spur; running thence northerly in a direct line parallel to said east line of Edison Street and distant eight and five-tenths (8.5) feet westerly at right angles therefrom a distance of one hundred seventy-two and ninety-two hundredths (172.92) feet; thence curving to the left on a 52 degree curve a distance of one hundred thirty-four and thirty-nine hundredths (134.39) feet to a point on the west line of Edison Street, said point being located nine and eight-tenths (9.8) feet north of the point of intersection of said west line of Edison Street with the south line of Lindsay Street produced westerly.

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

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

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of said streets now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by suitable crossing signs, 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 crossings.

(4) If said crossings 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 crossings 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 17<sup>th</sup> day of December, 1923.

C. A. Weaver  
H. B. Brundage  
Quincy Martin  
Edward Shore  
J. T. Whittington  
Commissioners.