

Decision No. 15029

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
of the Western Pacific Railroad Com-
pany for permission to construct a
spur track at grade across McKinley
Avenue, a County Road near Ortega,
in the County of San Joaquin, State
of California.

ORIGINAL

Application No. 11,245.

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 23d day of May, 1925, asking for authority to construct a spur track at grade across McKinley Avenue in the vicinity of Ortega, County of San Joaquin, State of California, as hereinafter set forth. The necessary franchise or permit has been granted by the Board of Supervisors of said County for the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation, or to avoid a grade crossing at the point mentioned in this application with said McKinley Avenue and that this application should be granted subject to the conditions hereinafter specified,

THEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to The Western Pacific Railroad Company to construct a spur track at grade across McKinley Avenue, in the vicinity of Ortega, County of San Joaquin, State of California, as follows:

Beginning at a point in the center line of The Western Pacific Railroad Company's main line of railroad, approximately 1100.0 feet southerly from the crossing of said company's track (now used by the Tidewater Southern Railway Company) with the tracks of the Southern Pacific Company at Ortega, California; thence in a southerly direction, with switch and turnout to the right, approximately 205.0 feet; thence on a curve to the right approximately 135.0 feet, crossing the easterly line of McKinley Avenue approximately 1100.0 feet southerly of the Southern Pacific Company's tracks; thence by tangent in a southerly direction 80.0 feet; thence on a curve to the left approximately 135.0 feet to a point 21.5 feet westerly of the westerly line of said McKinley Avenue, crossing the westerly line of said McKinley Avenue approximately 1050 feet southerly of the Southern Pacific Company's tracks; thence on a tangent in a southerly direction 21.5 feet from and parallel with said westerly line of McKinley Avenue, approximately 1335.0 feet to the point of termination;

and as shown by the map entitled "Proposed Spur to Serve Ortega Stockyards" and attached to the application as Exhibit "A"; 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 McKinley Avenue now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) 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) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(6) 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 6th day of June, 1925.

H. B. ...

A. Seaver

E. ...

Commissioners.