

Decision No. 16082

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of the Western Pacific Railroad  
Company for permission to con-  
struct a spur track at grade  
across San Jose Street, a public  
street in the City of Stockton,  
County of San Joaquin, State of  
California.

ORIGINAL

Application No. 12,538.

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the 15th day of February, 1926, asking for authority to construct a spur track at grade across San Jose Street in the City of Stockton, County of San Joaquin, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 999) has been granted by the City Council of said City of Stockton for the construction of said crossing at grade. 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 San Jose Street 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 San Jose Street, in

the City of Stockton, County of San Joaquin, State of California,  
as follows:

Beginning at a point in the center line of The Western Pacific Railroad Company's Stockton North Channel Spur, distant thereon easterly approximately 204 feet from the westerly line of San Jose Street; thence in a general westerly direction, with switch and turnout to the left, approximately 81 feet; thence on a curve to the left, having a radius of 382.5 feet, a distance of 47.0 feet, crossing the easterly line of said San Jose Street approximately 26 feet northerly of the northerly line of Lindsay Street; thence continuing in a direct line westerly approximately 173 feet to a point of termination, crossing the westerly line of said San Jose Street 43.84 feet southerly of the southerly line of said Lindsay Street;

and as shown by the map (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 equal or superior to type shown as Standard No. 2 in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said street now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding three (3) percent on the west approach and one (1) percent on the east approach; 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.

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

Dated at San Francisco, California, this 8<sup>th</sup> day of March, 1926.

W. B. Brundage

J. S. ...

Ernest ...

Leon Whitell

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Commissioners.