

Decision No. 12346.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
the COUNTY OF SAN JOAQUIN, State of
California, for a permit to construct
and maintain a public highway crossing
at grade over the right of way and
tracks of the Southern Pacific near
the S. E. corner of Section 32, T. 1
S., R. 4 E., M.D.B.&M., in the said
County.

Application No. 13104.

BY THE COMMISSION:

O R D E R

Board of Supervisors of the County of San Joaquin, State of California, filed the above entitled application with this Commission on the 12th day of August, 1926, asking for authority to construct a public road at grade across the tracks of Southern Pacific Company in said County, as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to 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 with said tracks at the point mentioned in this Application, 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 Board of Supervisors of the County of San Joaquin, State of California, to construct a road at

grade across the tracks of Southern Pacific Company, as follows:

The crossing to be hereinafter designated as No. B-74.2.

A line parallel to the south line of Garbade Road No. 304 and eleven (11) feet north from it, intersects the center line of the Southern Pacific Railroad at the center point of the area proposed for this crossing. Starting at a point on the center line of the railroad, forty one and one half ($41\frac{1}{2}$) feet northwesterly from said center point, boundary line runs fifty (50) feet northeasterly to the northeast line of the railroad right-of-way, thence southeasterly eighty-three (83) feet along said northeast line of right-of-way, thence at right angles southwesterly one hundred (100) feet to the southwest line of the said right-of-way, thence northwesterly eighty-three (83) feet along the southwest line of said right-of-way, thence at right angles fifty (50) feet northeasterly to the starting point,

and as shown by the map (dated March, 1926,) attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty (20) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made

safe for the passage thereon of vehicles and other road traffic.

(3) The private crossing over said railroad and located approximately seventy-five (75) feet northwesterly from the crossing authorized by this order shall be closed on the same date as said public crossing is opened.

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

(5) 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.

(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 20th day of September, 1926.

H. M. Brundage
C. A. Leary
Frank D. East
Leon A. Whipple
Thos. S. Rutter

Commissioners.