

Decision No. 17353

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 crossing at  
grade over the right-of-way and tracks  
of the Oakdale Branch of the Southern  
Pacific Railroad Company on Mt. Ver-  
non Ave. of "Johnsons Garden Farms"  
near the center of Section 55 of the  
Weber Grant, Rancho del Campo de los  
Franceses.

Application No. 13079.

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 4th day of August, 1926, asking for authority to  
construct a public street 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 reasona-  
ble 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 street at grade

across the tracks of Southern Pacific Company as follows:

The crossing to be hereinafter designated as DC-93.3.

From a point near the center of Section 55, Weber Grant, at the southeast corner of Lot Thirty-nine (39) of "Johnsons Garden Farms", fifty (50) feet easterly to the southwest corner of lot Forty (40), thence at right angles southerly fifty (50) feet to the south line of the Southern Pacific Company's right-of-way, thence fifty (50) feet westerly along said south line of right-of-way to the intersection of said line with the west line of Mt. Vernon Avenue, extended, thence fifty (50) feet northerly to the starting point;

and as shown by the map (Dated July, 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 the 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) 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 20th day of September, 1926.

H. C. Brundage

W. H. Sawyer

Edward Ross

Leon Whitwell

Thos. H. Rountree

Commissioners.