

Decision No. 17652.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

County of San Joaquin, Viewer's
Petition, to construct crossing at
grade over track of The Western
Pacific Railroad Company.

Application No. 13241.

LOUTTIT, COMMISSIONER:

R. C. Pardoe and Mary J. French, for
the County of San Joaquin.

O P I N I O N

This is a proceeding instituted under Section 2694 of the Political Code, wherein a public road petitioned for before the Board of Supervisors of the County of San Joaquin crosses at grade a drill track of The Western Pacific Railroad Company approximately one quarter of a mile north of the City of Stockton. Due notice thereof having been given, a public hearing was held at the rooms of the Board of Supervisors of said County on November 16, 1926.

There is, at present, a private earth road serving this territory. It is proposed to widen this road to the width of forty feet and to make it a public road.

The testimony indicates that there are approximately twelve families who use this road, that it is the only road available between the territory served by it and the City of Stockton, that the nearest road to the east or west is approximately one-half mile distant and that the present private road is unpaved and is consequently impassable during the winter months of the year. The representative of the Board

of Supervisors of the County of San Joaquin testified that the County intended to construct a 40 foot roadway to be surfaced with gravel, said roadway to be properly maintained in a manner that will permit its use during the entire year.

The record shows that the view at the crossing is reasonably good; that the traffic over the road is light, amounting to from twelve to twenty vehicles a day; that the traffic over the railroad is nominal and occurs, to a large extent, at night.

It appears from the testimony that public convenience and necessity justify the construction of the public crossing petitioned for; that it is neither reasonable nor practicable at this time to provide a grade separation or avoid a grade crossing with said track at the point designated; that the crossing should be constructed similar in type to Standard No. 2 of General Order No. 72 of this Commission and should be protected by standard crossing signs; that the cost of installation should be borne by the County of San Joaquin and that the cost of maintenance of the approaches should be borne by said County of San Joaquin and the cost of maintenance of the crossing over the track itself should be borne by The Western Pacific Railroad Company. The following form of order is recommended:

O R D E R

The Board of Supervisors of San Joaquin County, having filed with this Commission, under the provisions of Section 2694 of the Political Code of California, a certified copy of a petition of freeholders of said County for the construction of a certain road, together with a certified copy of the order of the Board of Supervisors appointing viewers to view said road, which road crosses the track and right of way of The Western Pacific Railroad Company, in the vicinity of Stockton, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready

for decision; 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 public road at grade across the track of The Western Pacific Railroad Company at the location hereinafter particularly described and as shown by the map (entitled applicant's Exhibit No. 2.).

Description of Crossing

Beginning at a point on the 1/4 Section line N. and S. in Section 17 of the Weber Grant, and the south right of way line of the W. P. R. R., said point being No. 170-45' W. 1465.2 feet from the N. E. Corner of Northern Stockton as said subdivision is shown on page 26 of Vol. 2, Official Maps and Plats of San Joaquin County, thence for the center line of a 40 foot road N. 170-45' W. 30 feet to the north right of way line of the W. P. R. R.

The above crossing shall be identified as Crossing No. 4-96.9-S.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Western Pacific Railroad 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 Western Pacific Railroad 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 three (3) 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 suitable crossing signs 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 19th day of November, 1926.

H. B. Bunnigan
A. B. ...
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Leon ...
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Commissioners.