

ORIGINAL

Decision No. 17897.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
The Western Pacific Railroad Company
for permission to construct a spur
track at grade across Madison Street
and a portion of Scotts Avenue, public
streets in the City of Stockton, County
of San Joaquin, State of California.

Application No. 13,415.

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company, a corporation, filed the above-entitled application with this Commission on the 27th day of December, 1926, asking for authority to construct a spur track at grade across a portion of Scotts Avenue and at grade across Madison Street in the City of Stockton, County of San Joaquin, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 1034) has been granted by the City Council of said City of Stockton for the construction of said crossings 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 grade separations or to avoid grade crossings at the points mentioned in this application with said portion of Scotts Avenue and said Madison 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 a portion of Scotts Avenue and at grade across Madison Street in the City of Stockton, County of San Joaquin, State of California, at the location hereinafter particularly described and as shown by the map (Exhibit "A") attached to the application.

DESCRIPTION OF CROSSINGS.

Beginning at a point in the center line of the track of Applicant as the same now exists in Scotts Avenue, in the City of Stockton, California, distant thereon southeasterly approximately 162 feet from the westerly line of Madison Street, extended northerly; thence in a general westerly direction, with turn-out to the left, approximately 70 feet; thence along a curve to the left having a radius of 286.84 feet, a distance of approximately 85.42 feet to a point 10 feet northerly from the southerly line of said Scotts Avenue; crossing the easterly line of said Madison street approximately 97 feet northerly from the southerly line of said Scotts Avenue, also crossing the westerly line of said Madison Street approximately 10 feet northerly from the southerly line of said Scotts Avenue.

said crossings to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossings together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings 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 without superelevation and of a width to conform to those portions of said streets now graded, with the tops of rails flush with the roadways, and with grades of approach not exceeding two and one-half ($2\frac{1}{2}$) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Nothing in this order shall be construed as an auth-

orization by this Commission for the construction of a track in such a manner as will be contrary to any of the provisions of General Order No. 26-a of this Commission.

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

(5) If said crossings 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 crossings 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 12th day of

January, 1927.

[Signature]
[Signature]
[Signature]
Leon Whittell
[Signature]

Commissioners.