

Decision No. 21334 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of The Atchison, Topeka and Santa Fe Railway Company, a corporation, for authority to build a spur track in the City of Stockton, County of San Joaquin, State of California, on a portion of "B" Street, Scotts Avenue and across the alley in Block 21 of Villa Addition to the said City of Stockton.

**ORIGINAL**

Application No. 15734.

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 20th day of June, 1929, asking for authority to construct an interchange track at grade across a portion of "B" Street and across Scotts Avenue and an alley in Block 21 of Villa Addition, in the City of Stockton, County of San Joaquin, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 1141) has been granted by the City Council of said City 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 streets 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 Atchison, Topeka and Santa Fe Ry. Co. to construct an interchange track at grade across a portion of "B" Street and across Scotts Avenue and an alley in Block 21 of Villa Addition in the City of Stockton, County of San Joaquin, State of California, at the locations shown by the map (Divn. Engrs. Dwg. No. V-18-262) attached to the application.

The above crossing of "B" Street and Scotts Avenue shall be identified as a portion of Crossing No. 66-2.16-C.

Said crossings to be constructed subject to the following conditions, and not otherwise:

(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 crossing of "B" Street 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 that portion of said street now graded, with the tops of rails flush with the roadway, and with grades of approach not exceeding one(1) per cent; shall be protected by a Standard No. 2 crossing sign as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) Said crossings of Scotts Avenue and an alley shall be so constructed that grades of approach not exceeding four (4) per cent will be feasible in the event that construction of a roadway along said Scotts Avenue or along said alley shall hereafter be authorized and so that said grade crossings

may be made safe for the passage thereover of vehicles and other road traffic.

(4) This order is made upon the express condition that Scotts Avenue and said alley are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of an opening of said streets to public use across said railroad tracks.

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

(6) 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.

(7) 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 3rd day of July, 1929.

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Commissioners.