

Decision No. 21389

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of
CENTRAL CALIFORNIA TRACTION COMPANY
(a corporation) for Permission to
Construct Spur Track Extension
across Tokay Street in the City of
Lodi, California.

Application No. 15630.

Levinsky and Jones, by G. L. Jones, Stockton,
for Applicant.

Sherman K. Burke, for Southern Pacific Com-
pany, Interested Party.

L. N. Bradshaw, for The Western Pacific Rail-
road Company, Interested Party, and
Applicant.

Platt Kent, for The Atchison, Topeka and
Santa Fe Railway Company, Interested
Party, and Applicant.

BY THE COMMISSION:

O P I N I O N

In this application Central California Traction Company, a corporation, requests authority to construct a spur track at grade across Tokay Street in the City of Lodi, San Joaquin County. Upon request of Southern Pacific Company, a public hearing was held at Lodi on June 27th, 1929, before Examiner Williams. Southern Pacific Company participated in the hearing but entered no formal protest, nor did any other party interested.

The proposed spur is intended to serve certain industrial property fronting on Seaton Avenue, north of Tokay Street, and a cannery on the southerly side of Tokay Street. It will also permit development, for industrial purposes, of a tract of land south of Tokay Street which is at present without railroad service. The crossing is to be constructed under a franchise granted by the City of Lodi.

There appears to be sufficient necessity to justify the construction of the crossing of Tokay Street at grade, and since it appears that switching operations can be carried on over this track with reasonable safety to the public, the application will be granted, subject to the condition that all switching movements across Tokay Street be preceded by a flagman.

It appears, however, that the proposed construction along the westerly side of Seaton Avenue north of Tokay Street does not conform with Section 2 (c) of the Commission's General Order No. 26-C, in that the center line of the track will be five (5) feet west of the curb line and five (5) feet east of the property line of Seaton Avenue, whereas the General Order prescribes that one of these distances be not less than ten (10) feet. The purpose of this provision, as expressed in Section 2 (c), is to provide a space wherein pole lines may be erected and lawful clearances along railroad tracks maintained. There is at present a municipally-owned pole line, carrying power and telephone wires, constructed along the westerly line of Seaton Avenue and it appears that the abutting property owners and the City of Lodi have consented to move this pole line to private property in a position to provide proper clearance from the proposed track. The Commission will, therefore, authorize exception to Section 2 (c) of General Order No. 26-C in this instance to the extent stated, only.

O R D E R

Central California Traction Company, a corporation, having made application to the Commission for permission to construct a spur track at grade across Tokay Street in the City of Lodi, San Joaquin County, California, a public hearing having been held, the Commission being apprised of the facts and 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 Central California Traction Company to construct a spur track at grade across Tokay Street, in the City of Lodi, County of San Joaquin, State of California, at the location hereinafter particularly described and as shown by the map (Exhibit "B") attached to the application.

Description of Crossing

Commencing at a point in the north line of Tokay Street, in the City of Lodi, California, that is 5 ft. west of the intersection of the north line of Tokay Street with the west line of Seaton Avenue; thence Southwesterly across Tokay Street a distance of 67.5 ft. more or less, to a point in the south line of Tokay Street that is 28 ft. west of the west line of Seaton Avenue produced southerly.

The above crossing shall be identified as Crossing No. 61B-1.8-C.

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

(1) The entire expense of constructing the crossing, together with the cost of its 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 shall be constructed equal or superior to type shown as Standard No. 3, 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 pavement and with grades of approach not exceeding two (2) per cent; shall be protected by a Standard No. 1 crossing sign, as specified in General Order No. 75 of this Commission, and shall in every way be made suitable for the passage there-over of vehicles and other road traffic.

(3) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a

member of the train crew or other competent employee acting as flagman.

(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.

IT IS HEREBY FURTHER ORDERED that said Central California Traction Company be and it is hereby granted permission to construct a spur track along the westerly side of Seaton Avenue in the City of Lodi, contrary to Section 2(c) of the Commission's General Order No. 26-C, provided that the existing poles be moved to provide proper clearance from said track.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 15th day of July, 1929.

Cl. Searcy

Leon O'Connell

W. H. ...

Commissioners.