

Decision No. 22123.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
the COUNTY OF SAN JOAQUIN for auth-  
ority to construct a county road,  
known as Lower Sacramento road, under  
the tracks of the Southern Pacific  
Company, near Forest Lake, California.

Application No. 16005.

Thomas H. Louttit, Deputy District  
Attorney, for applicant.  
A. L. Levinsky for Southern Pacific  
Company.

BY THE COMMISSION:

O P I N I O N

This is an application filed by the Board of Super-  
visors of the County of San Joaquin in the form of a Viewers'  
Petition as provided in Section No. 2694 of the Political Code  
of the State of California. The route of the road proposed  
in the Viewers' Petition crosses under the main line tracks of  
Southern Pacific Company in the vicinity of Forest Lake Station.

A public hearing was held in the rooms of the Board  
of Supervisors at Stockton on January 7, 1930, before Examiner  
Williams, and subsequent to this hearing the parties filed a  
stipulation agreeing as to the terms of installation and appor-  
tionment of cost of the proposed underpass.

The proposed road is in the nature of a line change  
of a short section of the so-called lower Sacramento road near  
the northerly boundary of San Joaquin County. This road is  
one of the important highways between Stockton and Sacramento  
and at the present time it crosses the tracks of Southern

Pacific Company at grade a short distance north of the site of the proposed grade separation. The county has agreed to close the grade crossing when the underpass is completed. The proposed separation of grades appears to be in the public interest and can be accomplished without an excessive expenditure, the estimated cost being approximately \$27,000. The application should therefore be granted.

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 tracks and right of way of Southern Pacific Company in the vicinity of Forest Lake, 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 the County of San Joaquin and Southern Pacific Company be and they are hereby authorized to construct an undergrade crossing under the tracks of Southern Pacific Company in the vicinity of Forest Lake Station at the location described in the application and shown on Exhibit No. 1 filed at the hearing in this matter. Said crossing to be constructed subject to the following conditions, namely:

(1) Applicant shall before commencement of construction file with this Commission a set of plans for the proposed grade separation.

(2) Said crossing shall be constructed with clearances conforming to the provisions of the Commission's General

## Order No. 26-C.

(3) Said underpass shall be constructed to provide for a roadway at least twenty-three (23) feet in width and shall provide for the construction of two railroad tracks. Grades of approach to said underpass shall not exceed five (5) per cent.

(4) The cost of construction of said undergrade crossing except paving of the highway shall be borne fifty (50) per cent by Southern Pacific Company and fifty (50) per cent by the County of San Joaquin. The cost of paving the highway through the crossing shall be borne by the County of San Joaquin. The cost of maintenance of the deck of said underpass shall be borne by Southern Pacific Company and all other maintenance costs shall be borne by the County of San Joaquin.

(5) Upon completion of said underpass and its opening to public use and travel, the existing grade crossing (Crossing No. D-109.3) shall be legally abandoned and closed to public use and travel.

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

(7) 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.

(8) 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

