

Decision No. 22578

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
the COUNTY OF SAN JOAQUIN for authority
to construct a public road, known as
Snyder Lane, at grade across the tracks
of the Stockton Terminal and Eastern
Railroad.

Application No. 16502.

Guard C. Darrah, District Attorney,
by Thos. H. Louttit, Assistant District Attorney,
for applicant.

Mrs. W. H. Snyder, in propria persona.

Mrs. D. Zoretto, in propria persona.

BY THE COMMISSION:

O P I N I O N

This is an application filed by the County of San Joaquin for a crossing of a road known as Snyder Lane across the tracks of the Stockton Terminal and Eastern Railroad about four miles east of Stockton. This application is made by filing a copy of the Viewers' Petition as provided in Section 2694 of the Political Code of California. A public hearing was held in the rooms of the Board of Supervisors in Stockton on June 6, 1930, before Examiner Williams.

Snyder Lane is a long-used private road serving fourteen landowners in Sections Nos. 63 and 64, Weber Grant. It extends southerly from the Waterloo Road, the main public highway through this district, for a distance of about .8 of a mile, crossing the main track of the Stockton Terminal and

Eastern Railroad about one-half mile south of the Waterloo Road.

South of the railroad there are six property owners and this lane is their only means of access to public highways. The Viewers' Petition proposes to widen this road five feet on each side and make it a public thoroughfare. The railroad did not protest the application. There is only one train movement each way daily. Apparently there will be no material change in the nature or the use of the crossing with the railroad and we are of the opinion that the crossing should be formally authorized and become a legal public crossing and an order will be entered accordingly.

Two owners of property fronting on Snyder Lane entered a protest at the hearing but it appears that the nature of their protest is not against the construction of a grade crossing but against the taking of land for widening unless compensated, a matter entirely within the jurisdiction of the Board of Supervisors. Both protestants stated that they had no objection to the grade crossing.

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 the Stockton Terminal and Eastern Railroad, a public hearing having been held thereon, 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, known as Snyder Lane, at grade across the track of Stockton Terminal and Eastern Railroad at the location shown by the map filed with the application.

The above crossing shall be identified as Crossing No. 41-14.4.

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 that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Stockton Terminal and Eastern Railroad.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than two (2) 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 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 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 24th day of June, 1930.

C. C. Seavey

Leon Whitehall
Thos. D. Lunt

Commissioners.