

Decision No. 22859.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of Southern Pacific Company for an order authorizing the construction at grade of a side track across Pine and Oak Streets in the City of Lodi, County of San Joaquin, State of California.

**ORIGINAL**

Application No. 16854.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application on the 28th day of August, 1930, asking for authority to construct a side track at grade across Pine and Oak Streets, in the City of Lodi, County of San Joaquin, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 177) has been granted by the 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 Southern Pacific Company to construct a side track at grade across Pine and Oak Streets, in the City of Lodi, County of San Joaquin, State of California, at the location shown

by the map attached to the application.

The above crossing of Pine Street shall be identified as a portion of Crossing No. D-103.3 and that of Oak Street as a portion of Crossing No. D-103.25.

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 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 of a width to conform to those portions of said streets now graded, with the tops of rails at same elevation as main line rails and flush with the pavement, and with grades of approach not exceeding one (1) per cent; and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) No engine, train, motor or car shall be operated over said crossings or over the crossings of any of the adjacent side tracks with said Pine and Oak Streets, movements over which are not protected by the automatic wigwags now in place, unless said engine, train, motor or car shall be under full control and unless traffic on the street involved be protected by a member of the train crew or other competent employee on the ground acting as a flagman.

(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 12<sup>th</sup> day of September, 1930.

*A. L. Seaver*

*Wm. H. Smith*

*Wm. S. Lewis*

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Commissioners.