

Decision No. 23043

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of STOCKTON TERMINAL AND EASTERN RAILROAD for an order authorizing the construction at grade of one spur track across Roosevelt Avenue, in the County of San Joaquin, County of San Joaquin, State of California.

ORIGINAL

Application No. 16669.

BY THE COMMISSION:

SUPPLEMENTAL ORDER

Stockton Terminal and Eastern Railroad, a corporation, filed a supplemental application in the above entitled proceeding on the 22nd day of October, 1930, asking for authority to construct a spur track at grade across a portion of Roosevelt Avenue in the vicinity of Stockton, County of San Joaquin, State of California, at a different location than that authorized in Decision No. 22655 in this application. The necessary franchise or permit (Resolution dated October 20, 1930) has been granted by the Board of Supervisors of said County for the construction of said crossing 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 a grade separation or to avoid a grade crossing at the point mentioned in this application with said Roosevelt Avenue 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 Stockton Terminal and Eastern Railroad to construct a spur track at grade across a portion of Roosevelt Avenue in the vicinity of Stockton, County of San Joaquin, State of California, at the location shown by the map attached to the supplemental application.

The above crossing shall be identified as Crossing No. 41-18.15-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. 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 avenue 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. 1 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) 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.

IT IS HEREBY FURTHER ORDERED that the Commission's Decision No. 22655, dated July 9, 1930, in the above entitled application be and it is hereby rescinded.

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

Dated at San Francisco, California, this 5th day of November, 1930.

W. H. Cunn

Leon A. White

W. H. Cunn
Commissioners.