

Decision No. 23552.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the Board of Supervisors of the County of Stanislaus, State of California, for permission to widen Kiernan Avenue Crossing No. B-106.2 over Central Pacific Railway right of way near Salida, California.

**ORIGINAL**

Application No. 17200.

BY THE COMMISSION:

ORDER

The Board of Supervisors of the County of Stanislaus, State of California, on February 13, 1931, applied for authority to alter a public road known as Kiernan Avenue at grade across the tracks of Southern Pacific Company, in the vicinity of Salida. Southern Pacific Company, on March 6, 1931, signified, in writing, that it has no objection to the alteration of said crossing at grade, providing the expense of widening the crossing be borne by applicant, to which applicant has agreed. It appears, however, that the existing crossing should also be rebuilt and as the agreement does not cover this portion of the work, the Commission will assess the cost to the carrier. It appears that an equal division of the cost of installing the entire new crossing will reasonably meet the agreement, as to the widening of the crossing and the reconstruction of the existing crossing. It appearing that a public hearing is not necessary herein, that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade cross-

ing with said track at the point mentioned and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the Board of Supervisors of the County of Stanislaus, State of California, is hereby authorized to alter Kiernan Avenue at grade across the track of Southern Pacific Company at the location more particularly described in the application and as shown by the maps attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. B-106.2.
- (2) The cost of reconstructing and widening the crossing within lines two (2) feet outside of the outside rails shall be borne 50% by applicant and 50% by Southern Pacific Company. The cost of construction and maintenance outside of 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 Southern Pacific Company.
- (3) The crossing shall be reconstructed to a width of not less than forty (40) feet and at an angle of fifty (50) degrees to the railroad and with grades of approach as shown by the profile attached to the application; shall be reconstructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by a Standard No. 2 crossing sign, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the reconstruction and widening of said crossing and of its compliance with the conditions hereof.
- (5) The authorization herein granted shall lapse and become void if not exercised within one (1) year

from the date hereof 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, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 31st day of March 1931.

C. L. Seamy  
Leon Whitney  
M. J. Van  
W. B. Harris  
Fred G. Stewart  
Commissioners.