

Decision No. 23620.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of
 The People of the State of California
 on relation of the Department of Pub-
 lic Works, Division of Highways, for
 an order authorizing the alteration
 of a State highway crossing at grade
 over the tracks of the Tidewater
 Southern Railway at Turner Station,
 San Joaquin County, California.

ORIGINAL

Application No. 17237.

BY THE COMMISSION:

ORDER

The People of the State of California, on relation of the Department of Public Works, Division of Highways, on March 5, 1931, applied for authority to alter State Road X-SJ-4-E at grade across the track of Tidewater Southern Railway at Turner Station, San Joaquin County. Tidewater Southern Railway has signified, in writing, that it has no objection to the alteration of said crossing at grade. The parties have agreed as to the division of costs to the effect that applicant will bear the expense of widening the crossing, while the cost of installing two wigwags, which the carrier has elected to install, will be borne fifty per cent by applicant and fifty per cent by the railway. The signals will be maintained by the carrier. 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 crossing with said track at the point mentioned and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that The People of the State of California, on relation of the Department of Public Works, Division of Highways, is hereby authorized to alter the crossing of its Road X-SJ-4-E at grade across the track of Tidewater Southern Railway at Turner Station, San Joaquin County, at the location more particularly described in the application and as shown by the map attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 75-4.5.
- (2) The entire expense of altering the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing 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 Tidewater Southern Railway.
- (3) The crossing shall be constructed of a width and in the manner shown by the map attached to the application and shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72.
- (4) The crossing shall be protected by two Standard No. 3 wigwags, the cost of installation to be borne fifty per cent by the applicant and fifty per cent by the Tidewater Southern Railway, and the cost of maintenance to be borne by the railway, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) 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.

- (7) 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 20th day of April, 1931.

C. Scavely
Leon Whelan
M. J. ...
M. B. Lewis
Fred G. Stewart

Commissioners.