

Decision No. 24761.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the CITY OF STOCKTON (a municipal corporation), THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, SOUTHERN PACIFIC COMPANY and THE WESTERN PACIFIC RAILROAD COMPANY for permission to construct, maintain and operate a line of railroad at grade over various public streets and roads.

Application No. 18123.

ORIGINAL

BY THE COMMISSION:

O R D E R

The City of Stockton (a municipal corporation), The Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Company and The Western Pacific Railroad Company, corporations, on April 30, 1932, applied for authority to construct, operate and maintain certain tracks designated as Stockton Public Belt Railroad at grade across certain streets in the City of Stockton, and Borden Road at two locations in the County of San Joaquin, State of California. The City of Stockton has entered into an agreement with said railroad companies relative to the operation of said Stockton Public Belt Railroad, known as Stockton Port Terminal Association contracts, a copy of which is attached to this application and designated as Exhibit "B."

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings at the points mentioned and that the application should be granted

subject to certain conditions.

IT IS HEREBY ORDERED that the City of Stockton, The Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Company and The Western Pacific Railroad Company are hereby authorized to construct, operate and maintain tracks known as the Stockton Public Belt Railroad at grade across certain streets in the City of Stockton, and at grade across Borden Highway at two different locations in the County of San Joaquin, as shown on Exhibit "A" attached hereto and made a part hereof. The location of said crossings are more particularly described in Exhibit "C" attached to the application, and as shown by the maps (Exhibit "A" (Parts 1 and 2)) attached thereto, subject to the following conditions:

- (1) Said crossings shall be identified in accordance with the numbers as shown on Exhibit "A" attached hereto and made a part hereof.
- (2) The entire expense of constructing and thereafter maintaining the crossings in good and first-class condition for safe and convenient use of the public, shall be borne in accordance with the terms of the said agreement dated November 28, 1931, attached to the application as Exhibit "B."
- (3) Said crossings shall be constructed equal or superior to the type shown on Exhibit "A" attached hereto.
- (4) Said crossings shall be constructed without super-elevation and of a width to conform to those portions of said streets, avenues and road now graded, with the tops of rails flush with the roadways and with grades of approach not exceeding four (4) per cent, and each crossing shall be protected by a Standard No. 1 Crossing Sign as specified in our General Order No. 75.
- (5) No train, engine, motor or car shall be operated over said crossings of Borden Road (Crossing No. 59-0.3 and No. 59-0.7-C) or Yosemite Street (Crossing No. 59-1.6) unless traffic on said road or streets is protected by a member of the train crew or other competent employee acting as flagman.
- (6) Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the

completion of the installation of said crossings and of its compliance with the conditions hereof.

- (7) 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.
- (8) 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, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 9<sup>th</sup> day of May, 1932.

Ch. Deane  
Leon Wheeler

W. J. Carr

Frederic G. Stewart  
Commissioners.

EXHIBIT "A"

Street Name.	No.	ing Ordered.	Grade of :approach not :to exceed.	General Order : :No.72 Standard :Type of Cross- :Protection	General Order : :No.75 Standard :Protection
Borden Road	59-0.3	No. 2A	4%	No. 1 *	
Borden Road	59-0.7-C	No. 3A	4%	No. 1 *	
Ventura Ave.	59-0.8	No. 2A	4%	No. 1	
Los Angeles Ave	59-0.9	No. 2A	4%	No. 1	
Fresno Ave.	59-1.1	No. 2A	4%	No. 1	
Merced Ave.	59-1.2	No. 2A	4%	No. 1	
Modesto Ave.	59-1.25	No. 2A	4%	No. 1	
Pershing Ave.	59-1.3	No. 2A	4%	No. 1	
Garfield St.	59-1.4	No. 2A	4%	No. 1	
Orange St.	59-1.45	No. 3C	4%	No. 1	
Argonaut St.	59-1.5	No. 3C	4%	No. 1	
San Jose St.	59-1.55	No. 3C	4%	No. 1	
Yosemite St.	59-1.6	No. 3C	4%	No. 1 *	
Stockton St.	59-1.65	No. 2A	4%	No. 1	

\* These crossings are to be flagged by a member of the train crew or other competent employee.