

25063

Decision No. 25063.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of The Atchison, Topeka and Santa Fe Railway Company, a corporation, for authority to construct, maintain and operate a spur track at grade in Taylor Street and across Sutter Street, in the City of Stockton, California.

Application No. 18299.

ORIGINAL

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, on July 27, 1932, applied for authority to construct a spur track at grade across Sutter Street and a portion of Taylor Street in the City of Stockton, County of San Joaquin, State of California. The necessary franchise or permit (Ordinance No. 1280) has been granted by the City Council of said City for the construction of said crossings at grade. 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 Atchison, Topeka and Santa Fe Railway Company is hereby authorized to construct a spur track at grade across Sutter Street and a portion of Taylor Street in the City of Stockton, County of San Joaquin, State of California, at the location more particularly described in the application and

as shown by the map (Exhibit A) attached thereto, subject to the following conditions:

- (1) This order is made upon the condition that Taylor Street is not now actually constructed and open to travel at the point of crossing and this order shall not be deemed an authorization for the construction of or opening of said street to public use across said track.
- (2) The above crossing of Sutter Street shall be identified as a portion of Crossing No. 2-1121.1.
- (3) The entire expense of constructing and thereafter maintaining said crossing of Sutter Street in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (4) Said crossing shall be constructed equal or superior to the type shown as Standard No. 3, in our General Order No. 72, and shall be constructed of a width to conform to that portion of said Sutter Street now graded, with the tops of rails flush with the pavement and with grades of approach not exceeding six (6) per cent.
- (5) No train, engine, motor or car shall be operated over said crossing of Sutter Street unless said train, engine, motor or car shall be first brought to a stop and traffic on the highway protected by a member of the train crew or other competent employee acting as flagman.
- (6) Applicant 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

NAW/LV

on the date hereof.

Dated at San Francisco, California, this 15th
day of August, 1932.

C. Searcy
Leon Whidley
W. H. ...
M. B. Harris
James G. Stewart
Commissioners.