

Decision No. 25283.

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 Public Works, for an order authorizing the construction of a crossing at separated grades of the State Highway and the tracks of The Western Pacific Railroad at Nile Garden, San Joaquin County.

Application No. 17907.

ORIGINAL

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on January 15th, 1932, applied for authority to construct a State Highway known as Road X-SJ-66-A, at separated grade over the main line track of The Western Pacific Railroad Company at Nile Garden, San Joaquin County, California. On September 14th, 1932, applicant filed its amended application in the above numbered proceeding, asking that the alteration and improvement of the existing grade crossing (Crossing No. 4-82.7) be authorized, instead of the construction of a grade separation as prayed for in the original application.

The Western Pacific Railroad Company, on November 2nd, 1932, signified, in writing, that it has no objection to the construction of said crossing at grade.

It appearing that the parties are in agreement as to the division of cost of said grade crossing; 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 tracks at the point mentioned and that the amended 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, are hereby authorized to reconstruct and relocate the existing crossing at grade of Road X-SJ-66-A across the main line track of The Western Pacific Railroad Company at the location more particularly described and shown by the map (Exhibit A) attached to the amended application, subject to the following conditions, and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 4-82.7.
- (2) The expense of construction and maintenance of that portion of said crossing outside of lines two (2) feet outside of rails shall be borne by applicant. The expense of construction and maintenance of that portion of said crossing between lines two (2) feet outside of the rails, including the expense of preparing the main line track to receive the crossing, shall be borne by The Western Pacific Railroad Company.
- (3) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle with the railroad as shown on the map (Exhibit A) attached to the application, and **with grades of approach not greater than three** (3) per cent; shall be constructed equal or superior to type shown as Standard No. 3-B in our General Order No. 72, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Two Standard No. 3 wigwags, as specified in General Order No. 75 of this Commission, shall be installed for the protection of said crossing. The cost of installation shall be borne fifty (50) per cent by applicant and fifty (50) per cent by The Western Pacific Railroad Company. The cost of maintenance of said wigwags shall be borne by The Western Pacific Railroad Company.
- (5) The Western Pacific Railroad Company, at its sole expense, shall remove the existing spur track crossing the highway at said crossing.
- (6) 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.

- (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 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 22nd day of November, 1932.

C. Searcy
Leon Whittell
W. A. ...
M. B. ...
Frederic G. ...
Commissioners.