

Decision No. 10602

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the matter of the application of)
San Joaquin County for permission)
to cross the right-of-way of the)
Southern Pacific Railroad Company)
by a public highway.)

Application 7652

Marion G. Woodward for Applicant.
Gilbert L. Jones for Arthur L. Levinsky
for Southern Pacific Company.

MARTIN, COMMISSIONER:

O P I N I O N

In this application County of San Joaquin applies for an order authorizing it to install a crossing at grade where Laramie Street and Marcus Avenue cross the Southern Pacific Copperopolis branch, just east of Stockton. Laramie Street and Marcus Avenue are really the same street, the name changing at the crossing.

A public hearing was held in Stockton May 26, 1922.

The evidence shows that the proposed crossing is 3060 feet from the nearest crossing to the west, at E Street in the City of Stockton, and 7450 feet from the nearest public crossing to the east. The terrain in the vicinity of the crossing is generally level, with the track elevated about two and one-half feet above the general level. The view is clear in all directions. The train service consists of two passenger and one freight train regularly each way each day, with occasional extra freight trains. The evidence also indicated

no protection other than the standard crossing sign is necessary at this time. Witness for the County stated that vehicular traffic would amount to from fifteen to twenty-five movements per day.

Marcus Avenue, lying north of the crossing, is improved, but Laramie Street, south of the crossing, is not improved in any way, nor even graded, for about one quarter mile at least from the railroad. Applicant stated that in the last three years this part of Stockton and vicinity, especially on the north side of the Southern Pacific, had become more thickly settled, and that the crossing was necessary for the convenience of the people in the immediate neighborhood, stating there are fifteen to twenty families to be immediately served and that this would be the last crossing necessary in this vicinity. One reason why not more crossings will probably be requested was given because there are different subdivisions north and south of the railroad in which the lengths of the blocks are different, so that the streets do not "match up", except at Marcus Avenue and Laramie Street.

Southern Pacific Company protested the granting of the application on the basis that the additional hazard was not justified by public necessity and convenience, stating that the only use of the crossing would be that of residents of the vicinity visiting back and forth across the track.

Taking all of the facts into consideration it does not seem possible to agree with the contention of the Southern Pacific, as it appears that because of the relatively light railroad traffic and the unobstructed view public convenience and necessity more than offset any additional hazard introduced by the establishment of this crossing.

The following order is recommended:

O R D E R

County of San Joaquin having applied for permission to

construct Marcus Avenue and Laramie Street at grade across the track of the Southern Pacific Company just east of Stockton, as hereinafter indicated, a public hearing having been held, the Commission being apprized of the facts, the matter being under submission and ready for decision.

IT IS HEREBY FOUND AS A FACT, that public convenience and necessity require the establishment of a public crossing at grade at the point hereinafter set forth under certain conditions as hereinafter specified, therefore

IT IS HEREBY ORDERED, that permission be and it is hereby granted County of San Joaquin to construct Marcus Avenue and Laramie Street at grade across the track of Southern Pacific Company described as follows:

Beginning at the point of intersection of the center line of Marcus Avenue of El Ricado and the northerly line of the right-of-way of the Southern Pacific Railroad Company 20 feet northeasterly from the southeast corner of Lot 16 of Block 10 of El Ricado, thence in a northeasterly direction along said railroad right-of-way line 20 feet to the southwest corner of Lot 1 of Block 9 of El Ricado, thence running at a right angle to said right-of-way line across the said railroad right-of-way to a point in the southerly right-of-way line of said Railroad Company, thence in a southwesterly direction along said southerly line of said railroad right-of-way line a distance of 40 feet, and thence running at a right angle to said southerly right-of-way line across said railroad right-of-way to the point of beginning.

all as shown on the map attached to the application and subject to the following conditions:

(1) The entire expense of constructing the crossing shall be borne by the applicant. The cost of its maintenance up to a line two (2) feet outside the rails shall be borne by the applicant. The maintenance of that portion of the crossing between the rails and two (2) feet outside thereof shall be borne by the Southern Pacific Company.

(2) The crossing shall be constructed of a width not

less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.


(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

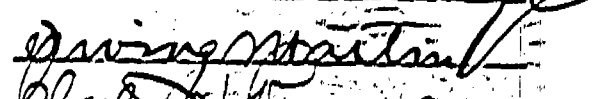
(4) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

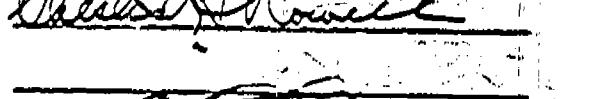
(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

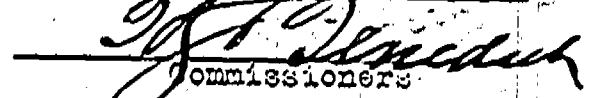
The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 22d day of June, 1922.








Commissioners