

ORIGINAL

Decision No. 3837-

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
 BOARD OF SUPERVISORS OF SAN JOAQUIN)
 COUNTY for a public road in Liberty)
 Road District, San Joaquin County,)
 California.)
)

Application No. 2591.

C. B. Rendon and D. E. Trethaway for Board
 of Supervisors.

Geo. D. Squires for Southern Pacific Company.

Geo. F. McNoble for Chamber of Commerce of
 Northern San Joaquin County.

By the Commission,

O P I N I O N

This application was filed as a viewers' petition, and asks for an underground crossing of the tracks of Southern Pacific Company, in San Joaquin County, about midway between Lodi and Galt. The road which it would serve is a proposed road which has been projected by residents of Lodi and vicinity who have made arrangements for the necessary rights of way. It would open a route from the country north of Lodi to Lodi, and eventually to Stockton by which some grade crossings on one of the two existing roads could be avoided, but it appears from the testimony of the County Surveyor that it would require an expenditure of either \$75,500. or \$108,500. to build that portion of it north of Lodi, depending on the type of bridge adopted, and that it would roughly parallel, and lie between and not over two miles from, two existing improved roads.

The Board of Supervisors has taken no formal action in the matter and the only Supervisor who testified stated that it was a matter of serious consideration as to whether or not the County would make the necessary appropriation. No provision has been made for it in the present tax levy. The need for the crossing depends entirely upon the construction of the highway as no road leads to it at the present time. How the crossing should be made will depend upon the type of road constructed as it is obvious that an

expenditure of over ten thousand dollars, the estimated cost of the subway, might not be justified if an unimproved county road were built while it might be entirely reasonable if an improved through highway were constructed.

The Commission has no objections to undergrade crossings being made, but under the circumstances existing here we can not make an order granting this application as such an order would entail an apportionment to the railroad and the county of an expense which it might or might not be reasonable for them to expend.

For these reasons we believe the present application should be dismissed without prejudice.

O R D E R

Petition having been filed under Section 2694 of the Political Code, asking authority to establish a crossing under the tracks of Southern Pacific Company between Galt and Lodi, at a point more particularly described in the petition, and a public hearing having been held thereon and it appearing, for reasons set forth above, that this application should not be granted at this time,

IT IS HEREBY ORDERED by the Railroad Commission of California that this application be and the same hereby is denied without prejudice.

Dated at San Francisco, California, this 2nd day
^{November}
of ~~October~~, 1916.

Max Thelen
W. L. Howard
Alex Gordon

Frank R. Whiting
Commissioners.