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Decision No. 4762.

Decision No. \_\_\_\_\_.

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 EN- )  
 GINEERING, for an order authorizing )  
 the construction of a state highway cross- ) Application No. 3194.  
 ing over the tracks of The Atchison, )  
 Topeka and Santa Fe Railway Company, a )  
 corporation, at Riverbank, in Stanislaus )  
 County, California. )  
 .....

- C. C. Carleton for applicant.
- J. W. Walker for The Atchison, Topeka and Santa Fe Railway Company.
- E. A. Johnson for Stanislaus County.
- R. W. Hobart, Burton Smith and P. H. Griffin for Oakdale Irrigation District.

GORDON, Commissioner.

O P I N I O N.

In this application the STATE HIGHWAY COMMISSION seeks permission to construct an overhead crossing of the tracks of The Atchison, Topeka and Santa Fe Railway Company near Riverbank, and asks the Commission to apportion the expense between the Highway Commission, the Railroad Company, Stanislaus County and the Oakdale Irrigation District. A public hearing was held on this application on October 13, 1917.

The road on which this crossing is desired is a lateral of the state highway system extending from Salida to Oakdale in Stanislaus County, which has been laid out to cross the tracks of the Santa Fe Railway Company, in the Town of Riverbank, at the point where the track is in a cut, and the surrounding country lends itself readily to grade separation. No objection was made to the construction of an overhead bridge at this point, and there appears to be no reason why this application should

not be granted.

The proper division of the cost of the bridge itself is easily disposed of, as the parties involved agreed to the apportionment as set forth in the application and which will be covered in the order. The Oakdale Irrigation District, however, owns an irrigation syphon which crosses the railroad track at a point directly under the bridge which the Railroad Company desires to have moved, although it does not wish to participate in the necessary expense.

Witnesses for the Irrigation District and the Highway Commission testified that the syphon could safely be left in its present location and the bridge built over it, which is the opinion of the engineers of the Railroad Commission, and this, I believe, should be done. The Railroad Company can, if it desires, have the syphon moved by standing the expense.

I recommend the following form of order:

O R D E R.

THE PEOPLE OF THE STATE OF CALIFORNIA, ON RELATION OF THE DEPARTMENT OF ENGINEERING, having applied for permission to construct an overhead crossing over the track of The Atchison, Topeka and Santa Fe Railway Company at Riverbank, California, and having asked the Railroad Commission to apportion the expense of the same, and a public hearing having been held; and it appearing to the Commission that this application should be granted subject to certain conditions and that the expense of this construction should be divided between the parties in accordance with the following order;

IT IS HEREBY ORDERED, That The People of The State of California, On The Relation of The Department of Engineering, be and the same hereby are granted permission to construct a

state highway above the track of The Atchison, Topeka and Santa Fe Railway Company at Riverbank, at the point more particularly shown by the map attached to the application, subject to the following conditions:

(1) The overhead bridge shall in all clearances conform to the Railroad Commission's General Order No. 26.

(2) The expense of the construction of said overhead crossing, on the plans now presented, shall be borne fifty (50) per cent by The Atchison, Topeka and Santa Fe Railway Company; twenty-five (25) per cent by Stanislaus County; twenty-five (25) per cent by the State Highway Commission.

(3) The Railroad 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 16th day of October, 1917.

W. H. Loveland  
Oliver Gordon  
Edwin O. Edgerton

Commissioners.