

# ORIGINAL

Decision No. 5073.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of  
 the WESTERN PACIFIC RAILROAD COMPANY  
 for an order permitting it to construct,  
 maintain and operate its line of railroad  
 at grade; First, across certain public roads,  
 highways and streets in the City of Stockton;  
Second, across a certain track of the Southern  
 Pacific Company in Stockton; Third, across a  
 certain track of the Central California Traction  
 Company in Stockton; and Fourth, across the track  
 of the Stockton Electric Railroad Company in said  
 City of Stockton.

) Application No. 3297

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E. W. MacDonald for Applicant.  
 George D. Squires for Southern  
 Pacific Company.  
 Arthur L. Devinsky for Central  
 California Traction Company and  
 Stockton Electric Railroad Company.

GORDON, Commissioner.

## O P I N I O N

This application was filed with the Commission on  
 October 29, 1917, and a hearing was held in Stockton on Novem-  
 ber 28, 1917.

The applicant desires to construct and operate a spur  
 track in the City of Stockton for the purpose of serving several  
 industries and developing the industrial district south of the  
 Mormon Slough, north of Taylor Street and east of Edison Street.  
 This spur and the other tracks necessary for the development of  
 this district are approximately one and one-half miles in length,  
 and their construction necessitates the crossing at grade of the  
 following streets and railways in the City of Stockton, to wit:

Hunter Street north of its intersection with Scott's Avenue.

The northerly one-half of Scott's Avenue west of its intersection with Hunter Street.

ELDorado Street at its intersection with Scott's Avenue.

Center Street at its intersection with Scott's Avenue.

Commerce Street at its intersection with Scott's Avenue.

Madison Street at its intersection with Scott's Avenue.

Monroe Street at its intersection with Scott's Avenue.

The northerly one-half of Scott's Avenue west of its intersection with Monroe Street.

Van Buren Street midway between Hazelton Avenue and Scott's Avenue.

Hazelton Avenue midway between Lincoln Street and Van Buren Street.

Lincoln Street between Church Street and Hazelton Avenue.

Church Street at its intersection with Harrison Street.

Sonora Street at its intersection with Harrison Street.

Sonora Street near the easterly line of Harrison Street.

Harrison Street at its intersection with Church Street.

Lincoln Street at its intersection with Church Street.

Van Buren Street at its intersection with Church Street.

Van Buren Street near the northerly line of Church Street.

Harrison Street at its intersection with Hazelton Avenue.

Lincoln Street at its intersection with Hazelton Avenue.

Van Buren Street at its intersection with Hazelton Avenue.

Harrison Street near the southerly line of Church Street.

A spur track of the Southern Pacific Company in Scott's Avenue midway between Commerce Street and Center Street.

The railroad tracks of the Central California Traction Company in Scott's Avenue midway between ELdorado Street and Hunter Street.

A spur track of the Central California Traction Company in Scott's Avenue midway between Center Street and Eldorado Street.

A double track of the Stockton Electric Railroad Company in Center Street at its intersection with Scott's Avenue.

The necessary franchise or permit to construct, maintain and operate a single track over the streets above mentioned has been granted the Western Pacific Railroad Company by the City of Stockton, with the exception of the crossings of Sonora Street near the easterly line of Harrison Street, and Van Buren Street near the northerly line of Church Street, application for which was pending before the Council of the City of Stockton at the date of hearing.

With the exception of Center Street, the streets to be crossed by this spur are not heavily travelled and the speed at which trains will operate will probably not exceed six to eight miles an hour. The Western Pacific Company does not expect for some time to operate more than two trains weekly over the spur, and the traffic will probably never exceed two trains daily. In view of the light traffic over the spur and the local character of the street traffic, it is believed that no protection, other than a standard crossing sign at each crossing, will be necessary for the safety of the public.

The Southern Pacific Company's spur, over which a crossing is applied for, is located on Scott's Avenue midway between Center Street and Commerce Street and serves an industry located on the south side of Scott's Avenue. At this point trains operate at very slow speed over the spur, as engines cannot enter the building south of the street line when moving cars in or out of the plant.

Two crossings are applied for over the tracks of the

Central California Traction Company. The first is over a main line track located on Scott's Avenue between Hunter Street and Eldorado Street. The Central California Traction Company operates from twelve to sixteen trains and the Tidewater Southern Railway Company operates eighteen trains over this track, making a total of from thirty to thirty-four movements daily. The view at this crossing will be open when approaching on the Western Pacific Company's track. The Central California Traction Company's and the Tidewater and Southern Railway Company's trains approaching on Hunter Street from the south cannot see the crossing until they turn into Scott's Avenue about one hundred feet east of the crossing. The second crossing is over a spur track located on Scott's Avenue between Center Street and Eldorado Street. This spur has not been used during the past five months and it is probable that it will be removed before the Western Pacific's industry track is built.

The proposed crossing over the Stockton Electric Railway Company's tracks is at the intersection of Scott's Avenue and Center Street. This company has a double track line on Center Street and maintains a street car service which amounts to one hundred and eight regular movements daily at the point where the crossing is proposed to be made.

At the date of the hearing no agreements as to the cost of maintenance or protection had been entered into between the Western Pacific Railroad Company and the other lines over which crossings are applied for, but it seems unnecessary to delay the order until these agreements are made. There appears to be no reason why the application should not be granted subject to the usual conditions; and if the companies are unable to agree upon those matters connected with the crossings which

are usually covered by agreements, the Commission could later make a supplemental order covering the questions in dispute.

I recommend the following form of order:

O R D E R

The WESTERN PACIFIC RAILROAD COMPANY having on October 29, 1917, filed with the Commission an application for permission to construct, maintain and operate certain tracks at grade across certain streets and across certain tracks of Southern Pacific Company, Central California Traction Company and Stockton Electric Railroad Company, all in the City of Stockton, County of San Joaquin, California, as hereinafter indicated, and a public hearing having been held thereon, and it appearing to the Commission that the application should be granted subject to the conditions hereinafter specified:

IT IS HEREBY ORDERED, That permission be hereby granted the western Pacific Railroad Company to construct its tracks at grade across certain streets and highways and across certain railways in the City of Stockton, County of San Joaquin, California, as shown by the map attached to the application and described in the foregoing opinion; said crossings to be constructed subject to the following conditions, viz.:

(1) The entire expense of constructing the crossings over the streets and highways, together with the cost of their maintenance thereafter in good and first-class condition, for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings shall be constructed of a width and type to conform to those portions of the streets to be

crossed now graded, with grades of approach not exceeding four (4) per cent; shall be protected by suitable crossing signs; and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) The entire expense of constructing and maintaining the crossings with the tracks of Southern Pacific Company, Central California Traction Company and Stockton Electric Railroad Company shall be borne by applicant, subject to such agreements as may be entered into between the companies involved.

(4) All engines, motors and cars of both applicant and Southern Pacific Company shall, before proceeding over the crossing located in Scott's Avenue midway between Commerce Street and Center Street, come to a full stop and shall not proceed to cross until it has been ascertained that it is safe to do so.

(5) All engines, motors and cars of applicant shall, before proceeding over the crossing located in Scott's Avenue midway between Hunter Street and Eldorado Street, come to a full stop and shall not proceed to cross until it has been ascertained that it is safe to do so. All engines, motors and cars of the Central California Traction Company and of the Tidewater and Southern Railway Company shall approach this crossing under full control.

(6) All motors and cars of the Central California Traction Company shall, before proceeding over the crossing of the spur track located in Scott's Avenue midway between Center Street and Eldorado Street, come to a full stop and shall not proceed to cross until it has been ascertained that it is safe to do so.

(7) All engines, motors and cars of both applicant

and Stockton Electric Railroad Company shall, before proceeding over the crossing in Center Street at its intersection with Scott's Avenue, come to a full stop and shall not proceed to cross until it has been ascertained that it is safe to do so.

(8) All engines, motors and cars of applicant shall not proceed over any highway or track crossing mentioned in this application at a speed exceeding six (6) miles an hour.

(9) 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, 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 28<sup>th</sup> day of January, 1918.

Max Helem  
H. H. Howard  
W. L. Gordon  
Edwin O. Edgerton  
Thomas R. Nelson  
Commissioners.