

Decision NO. 26919.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of San Joaquin County, California, acting through its Board of Supervisors, for an order authorizing the construction of Fresno Avenue, a public road, at grade across The Atchison, Topeka and Santa Fe Railroad near Stockton, California.

ORIGINAL

Application No. 19290

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of San Joaquin, State of California, on January 30, 1934, applied for authority to construct a public road known as Fresno Avenue at grade across the track of The Atchison, Topeka and Santa Fe Railway Company, in the vicinity of the City of Stockton. Fresno Avenue is proposed as a connection between the State Highway (Borden Road) and the Port of Stockton for the use of truck traffic destined to the port from points in the delta adjacent to Borden Road. Without a road connection in this general vicinity it would be necessary for all this truck traffic to traverse certain main streets in the City of Stockton in going from or to the Port. The Atchison, Topeka and Santa Fe Railway Company, on February 24, 1934, signified, in writing, that it has no objection to the construction of said crossing at grade. It appearing 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 track at the point mentioned and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the Board of Supervisors of the County of San Joaquin, State of California, is hereby authorized to construct Fresno Avenue at grade across the track of The Atchison, Topeka and Santa Fe Railway Company, at the location more particularly described in the application and as shown by the map attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 2-1122.6.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company.
- (3) The crossing shall be constructed of a width of 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 constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72; shall be protected by a Standard No. 1 crossing sign, as specified in our General Order No. 75-A, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) One Standard No. 3 wigwag, as specified in General Order No. 75-A of this Commission, shall be installed, at the sole expense of applicant, for the protection of said crossing. Thereafter the maintenance of said wigwag shall be borne by The Atchison, Topeka and Santa Fe Railway Company.
- (5) 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.

- (6) 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.
- (7) 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 2^d day of April, 1934.

O. L. Seaver
Leon Whittell
W. H. C. C.
M. B. Harris
W. H. C. C.
Commissioners.