

Decision No. 27244.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of STOCKTON PORT DISTRICT for an Order Authorizing and Permitting the construction of a Spur Track across Shipley Road of the County of San Joaquin, State of California.

Application No. 19407

ORIGINAL

In the Matter of Application of SOUTHERN PACIFIC COMPANY, THE WESTERN PACIFIC RAILROAD COMPANY and THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY for an Order authorizing the construction at grade of a spur track across Shipley Road near the City of Stockton, County of San Joaquin, State of California.

Application No. 19479

BY THE COMMISSION:

O R D E R

The two above numbered applications deal with grade crossings with Shipley Road in the County of San Joaquin, near the City of Stockton. The proposed tracks involved herein will form a part of the track facilities serving the Stockton Port District. The rail facilities serving this District are constructed and operated under an agreement between the applicant railroads and the Stockton Port District, under the name of the Stockton Port Terminal Association.

In Application No. 19479, the three carriers seek authority to construct an industrial track at grade across Shipley Road, from which spur tracks will be constructed to serve various industries along the line. The spur track grade crossing involved in Application No. 19407, filed by Stockton Port District,

involves such a crossing with Shipley Road.

In view of the operating arrangement between the carriers involved herein and the Stockton Port District a mutual agreement has been reached between applicants, as evidenced by statements from each of the applicants or their representatives, to allow the other party or parties to intervene in each of the applications to the effect that authority to construct each of these grade crossings should be granted to the three applicant railroads and the Stockton Port District jointly, with the understanding that if at a later date the entire Port rail operations are taken over by the Port District the authority herein granted will inure to the benefit of the District.

The necessary franchise or permit for each of these crossings has been granted by the Board of Supervisors of San Joaquin County.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings at the points mentioned and that the applications should be granted,

IT IS HEREBY ORDERED that Southern Pacific Company, The Western Pacific Railroad Company, The Atchison, Topeka and Santa Fe Railway Company and the Stockton Port District, a public corporation, are hereby jointly authorized to construct, maintain and operate over the industrial track, as applied for in Application No. 19479, and the spur track, as applied for in Application No. 19407, at grade across Shipley Road in the vicinity of Stockton, County of San Joaquin, State of California, at the locations more particularly described in the applications and as shown by the map (Western Division Drawing No. C-4589, Sheet No. 1) attached to Application No. 19479, and map shown as Exhibit "A"

attached to Application No. 19407, subject to the following conditions:

- (1) The crossing applied for in Application No. 19479 shall be identified as Crossing No. 59A-2.2-C, and the crossing applied for in Application No. 19407 as Crossing No. 59A-2.4-C.
- (2) The entire expense of constructing and thereafter maintaining the said crossings in good and first-class condition for safe and convenient use of the public shall be borne by applicants.
- (3) Said crossings shall be constructed equal or superior to the type shown as Standard No. 2, in our General Order No. 72, and shall be constructed without superelevations and of widths to conform to that portion of said road now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding three (3) per cent, and shall be protected by Standard No. 1 crossing signs, as specified in our General Order No. 75-A.
- (4) Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of their compliance with the conditions hereof.
- (5) 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.
- (6) 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 30th day of July, 1934.

C. C. Seawey
Leon O'Connell
W. A. Kim
M. B. Harris

Commissioners.