

Decision No. 27410 .

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.

Application No. 19290.

ORIGINAL

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

In Decision No. 26919 in the above entitled application, the County of San Joaquin was authorized to construct a public road, known as Fresno Avenue, at grade across the main line tracks of The Atchison, Topeka and Santa Fe Railway Company. Applicant now proposes to utilize an existing trestle and construct said Fresno Avenue at separated grades with the railroad tracks and requests a modification of said decision to so provide. The Atchison, Topeka & Santa Fe Railway Company has signified, in writing, that the proposed plan is satisfactory to that company and applicant has agreed to bear the entire cost of constructing the underpass.

It appears that in public interest the crossing should be constructed at separated grades, if possible, and that the request for modification of Decision No. 26919 be granted, therefore,

IT IS HEREBY ORDERED that in lieu of the authority heretofore granted by Decision No. 26919 to construct a crossing at grade of Fresno Avenue with the tracks of The Atchison,

Topeka and Santa Fe Railway Company, the County of San Joaquin is hereby authorized to construct said Fresno Avenue at separated grades with the tracks of said railway company, substantially in accordance with the plan attached to the amended application and subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 2-1122.5-B.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first class condition for safe and convenient use of the public shall be borne by applicant.
- (3) Prior to the commencement of construction, applicant shall file with the Commission, for approval, a set of plans for said crossing which have been approved by the interested parties.
- (4) Prior to the commencement of construction, applicant shall file with the Commission a certified copy of an agreement between applicant and The Atchison, Topeka and Santa Fe Railway Company covering the terms under which said crossing is to be constructed.
- (5) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (6) 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.
- (7) 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.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 29th
September
day of ~~October~~, 1934.

Leon C. Whelan
M. J. Am
W. B. Harris
N. S. ...
Commissioners.