

Decision No. 27325.

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 Public Works, for an order authorizing the construction of a crossing at separated grades of Fresno Avenue and the tracks of The Atchison, Topeka and Santa Fe Railway near the City of Stockton, in San Joaquin County, California.

Application No. 19681.

BY THE COMMISSION:

O R D E R

**ORIGINAL**

The People of the State of California, on relation of the Department of Public Works, on November 1, 1934, applied for authority to construct a public road known as Fresno Avenue, at separated grades under the main line track of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Stockton, County of San Joaquin, State of California. Fresno Avenue is a county road under the jurisdiction of the Board of Supervisors of San Joaquin County, but the Department of Public Works proposes to construct said grade separation, using funds allocated by the Government of the United States under the National Industrial Recovery Act for emergency construction of public highways and related properties. The Atchison, Topeka and Santa Fe Railway Company, on November 12, 1934, signified, in writing, that it has no objection to the construction of said undergrade crossing and that it will grant an easement across its right of way for highway purposes and the construction of the underpass. The County of San Joaquin is agreeable to said construction and will assume the expense of building the roadway surface through

the subway and of maintaining the road and the substructure. It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the undergrade crossing be constructed and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that The People of the State of California, on relation of the Department of Public Works, are hereby authorized to construct a public road known as Fresno Avenue at separated grade under the main line tracks of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Stockton, County of San Joaquin, State of California, at the location more particularly described in the application and substantially in accordance with and as shown by the plan (Exhibit "A") attached to the application, 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 in accordance with an agreement to be entered into by applicant, the County of San Joaquin and The Atchison, Topeka and Santa Fe Railway Company. A certified copy of said agreement shall be filed with the Commission before actual construction of the grade separation is begun.
- (3) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (4) 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.
- (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.

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

Dated at San Francisco, California, this 22<sup>nd</sup> day of December, 1934.

Leon A. Wiley

M. H. Lee

M. B. Harris

W. H. ...

Frank R. ...  
Commissioners.