

Decision No. 28193.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
San Joaquin County, acting through
its Board of Supervisors, for per-
mission to construct a county road
at grade across the Tidewater and
Southern Railroad.

ORIGINAL

Application No. 19861.

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of San Joaquin, State of California, on March 6, 1935, applied for authority to construct a public road known as the G. B. Sperry Tract Road at grade across the track of Tidewater Southern Railway Company, in the vicinity of Ortega. Tidewater Southern Railway Company, on March 16, 1935, signified, in writing, that it has no objection to the construction of said crossing at grade. It appears that said road will be used primarily for driving stock and will have no outlet for vehicles at its westerly end.

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,

IT IS HEREBY ORDERED that the Board of Supervisors of the County of San Joaquin, State of California, is hereby authorized to construct said road at grade across the track of Tidewater Southern 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. 75-0.7.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to 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 Tidewater Southern Railway Company.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet with grades of approach not greater than four (4) per cent; shall be constructed equal or superior to type shown as Standard No. 1 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 live stock.
- (4) Posts, or some other effective barrier to the passage of vehicles over said crossing, shall be erected at a suitable location east of the crossing. Said barrier shall be maintained by applicant until such time as a proper outlet for vehicles to McKinley Avenue, west of the crossing, is provided.
- (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 16th day
of July, 1935.

Leon Whitney

Alfred G. Lewis
M. B. Harris

John P. DeWitt

Commissioners.