

Decision No. 28215.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the BOARD OF SUPERVISORS of the COUNTY OF STANISLAUS, State of California, for a crossing over the right of way of Southern Pacific Company, south east of Montpellier, California.

Application No. 20068.

**ORIGINAL**

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of Stanislaus, State of California, on July 24, 1935, applied for authority to construct a public road at grade across the track of Southern Pacific Company, in the vicinity of Montpellier. Southern Pacific Company, on July 2, 1935, signified, in writing, that it had no objection to the construction of said crossing at grade. Applicant states that upon completion of said crossing it will abandon an existing crossing known as 8th Street (Crossing No. DC-139.9), located approximately 1500 feet northwesterly from the proposed crossing.

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 Stanislaus, State of California, is hereby authorized to construct a county road at grade across the main line

track of Southern Pacific 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. DC-140.2.
- (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 Southern Pacific Company.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle of approximately fifty (50) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by two Standard No. 1 Crossing Signs, 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) Prior to the beginning of actual construction of the crossing herein authorized, the County of Stanislaus shall file with this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public grade crossing at 8th Street and identified as Crossing No. DC-139.9. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said Crossing No. DC-139.9 shall be legally abandoned and effectively closed to public use and travel.
- (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 6<sup>th</sup> day of September, 1935.

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*M. A. Carr*  
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*M. B. Carr*  
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*William H. Carr*  
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*Frank R. Doolin*  
Commissioners.