

Decision No. 28824.

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 Route 5 of the State Highway system and the tracks of the Southern Pacific Railroad near Tracy, in the County of San Joaquin, State of California.

Application No. 20197.

ORIGINAL

BY THE COMMISSION:

O R D E R

The People of the State of California on relation of the Department of Public Works, on October 23, 1935, applied for authority to construct a public highway known as State Highway Route 5, at separated grades over the main line tracks of Southern Pacific Company in the vicinity of Tracy, County of San Joaquin, State of California, thereby eliminating an existing crossing at grade of said State Highway with said tracks. Southern Pacific Company has signified, in writing, that it has no objection to the construction of said overgrade crossing. Applicant proposes to construct said grade separation, using money made available for such purposes by the Federal Government.

It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the overgrade 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

20197

hereby authorized to construct a public highway known as State Highway Route 5 at separated grade over the main line tracks of Southern Pacific Company in the vicinity of Tracy, County of San Joaquin, State of California, at the locations more particularly described in the application and substantially in accordance with and as shown by the plan attached to the application, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. D-71.8-A.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintaining the structure, including the roadway paving, shall be borne by applicant. The cost of maintaining the track and appurtenances thereto shall be borne by Southern Pacific Company.
- (3) Prior to the commencement of construction, applicant shall file a plan for said crossing showing clearances, width of roadway and grades of approach. Said plan shall have been approved by the interested parties.
- (4) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (5) Applicant shall, within six months from the date of this Order, file a certified copy of an agreement between it and Southern Pacific Company covering the terms of construction and maintenance of said crossing.
- (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.

IT IS HEREBY FURTHER ORDERED that applicant is hereby authorized to construct a temporary crossing at grade of a detour road in the vicinity of the crossing herein authorized, approximately at the location shown on the plan accompanying the application, subject to the following conditions:

- (1) The above temporary crossing shall be identified as Crossing No. D-71.8.

- (2) The crossing shall be constructed of a width of not less than twenty-four (24) feet and with grades of approach not greater than one (1) 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.
- (3) 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.
- (4) Said crossing shall be protected by two Standard No. 2 wigwags, as provided in our General Order No. 75-A, equipped with second train indicators or in lieu of said wigwags and second train indicators applicant may, if it so elects, protect said crossing by human flagman maintained continuously during the period said crossing is open to public use and travel. The expense of providing said wigwag or flagman shall be borne by applicant.
- (5) Upon completion of the overgrade crossing herein authorized, said temporary crossing shall be abolished.

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

Dated at San Francisco, California, this 4th day of November, 1935.

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M. A. Price
M. B. Harris
W. H. ...
W. H. ...
 Commissioners.