

Decision No. 28326.

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 crossings at separated grades of Charter Way and the tracks of the Southern Pacific Railroad and the Western Pacific Railroad, in the City of Stockton, County of San Joaquin, State of California.

Application No. 20210.

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 26, 1935, applied for authority to construct a public road known as Charter Way (State Highway Route #5), at separated grades under the main line and side tracks of Southern Pacific Company and the main line track of The Western Pacific Railroad Company in the City of Stockton. Southern Pacific Company and The Western Pacific Railroad Company have signified, in writing, that they have no objection to the construction of said undergrade crossings. Said Charter Way is a city street in the City of Stockton, which has been designated as State Highway Route 5 through that city. The City of Stockton has agreed with applicant to acquire all necessary right of way and to assume any property damage required or that may result from the construction of the proposed grade separations. Applicant proposes to utilize funds made available by the Federal Government for such purpose to pay the structural cost of the separations.

It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the undergrade crossings be constructed; and that the application should be granted,

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 Charter Way at separated grades under the tracks of Southern Pacific Company and The Western Pacific Railroad Company, in the City of Stockton, 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 with the tracks of Southern Pacific Company shall be identified as Crossing No. D-90.0-B, and that with the track of The Western Pacific Railroad Company as Crossing No. 4-92.7-B.
- (2) The entire expense of constructing the crossings shall be borne by applicant. The cost of maintaining the substructures of said undergrade crossings below base of bridge seats, and of the roadway paving, shall be borne by applicant. The cost of maintaining the superstructures above base of the bridge seats and of the tracks and appurtenances thereto shall be borne by the respective railroad companies.
- (3) Applicant shall file, prior to the commencement of construction, a set of plans for said crossings, showing clearances, width of roadway and grades of approach, which plans shall have been approved by the interested parties.
- (4) Said crossings 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 with the Commission a certified copy of an agreement between the interested parties, covering the terms of construction and maintenance of said crossings.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings 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 authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 14th day of November, 1935.

Leon Aubrey
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Commissioners.