

ORIGINAL

Decision No. 29673.

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 Wilson Way and the tracks of The Atchison, Topeka and Santa Fe Railway in the City of Stockton, County of San Joaquin, State of California.

Application No. 21086.

BY THE COMMISSION:

ORDER

The People of the State of California, on relation of the Department of Public Works, on March 20, 1937, applied for authority to construct a public highway known as Wilson Way (State Highway Route 4), at separated grades under the main line and side tracks of The Atchison, Topeka and Santa Fe Railway Company in the City of Stockton, County of San Joaquin. The Atchison, Topeka and Santa Fe Railway Company, on March 31, 1937, signified, in writing, that it has no objection to the construction of said undergrade crossing.

Applicant states that it proposes to construct said grade separation, using moneys apportioned to the State of California for such purposes by the Federal Government. It also appears that the City of Stockton has agreed with applicant to acquire all necessary rights of way and assume any property damage required for, or which may result from, the construction of said crossing. The proposed crossing will eliminate an existing crossing at Wilson Way with said tracks.

Blueprint submitted with the application indicates that applicant proposes to effect said crossing by the construction of

a two-lane steel and concrete subway, each lane or roadway of which will have a clear roadway width of 24 feet, separated by a center pier and curb.

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,

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 highway known as Wilson Way (State Highway Route 4), at separated grades under the main line and side tracks of The Atchison, Topeka and Santa Fe Railway Company in the City of Stockton, County of San Joaquin, State of California, at the location more particularly described in the application, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 2-1120.2-B.
- (2) The entire expense of constructing the crossing in good and first-class condition for safe and convenient use of the public shall be borne by applicant. The cost of maintaining the substructure of said undergrade crossing below the base of the bridge seats, and the roadway paving, shall be borne by applicant. The cost of maintaining the superstructure above the base of the bridge seats and of the tracks and appurtenances thereto shall be borne by The Atchison, Topeka and Santa Fe Railway Company. Nothing in this condition shall be considered as prohibiting applicant from delegating any of its obligations under this Order to the City of Stockton, in a manner provided by law.
- (3) Prior to the commencement of construction, applicant shall file a set of plans for said crossing, which plans shall have been approved by the interested parties.
- (4) Upon completion of the grade separation herein authorized, the existing crossing of Wilson Way with the tracks of The Atchison, Topeka and Santa Fe Railway Company shall be closed to public use and travel.

- (5) Within six (6) months from the date of this Order, applicant shall file with the Commission a certified copy of an agreement between the interested parties covering the terms of construction and maintenance of said crossing.
- (6) Said crossing shall be constructed substantially in accordance with the blueprint attached to the application (Bridge No. 29-70, Drawing No. P-665.14), providing two twenty-four (24) feet driveways, separated by a center pier and curb.
- (7) 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.
- (8) 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 17th day of April, 1937.

Walter H. Hays
Leon S. Whidell
Frank R. Brown
Raymond H. Hays
Ray & Riley
Commissioners.