

ORIGINAL

Decision No. 35134

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 permission to construct) Application No. 24247
the Sperry Tract Road at grade across the)
Western Pacific Railroad.)

CHESTER WATSON, Deputy District Attorney, and
JULIUS B. MANTHEM, County Surveyor, for Applicant

L. M. BRADSHAW, for The Western Pacific Railroad
Company

BY THE COMMISSION:

O P I N I O N

The Commission, on August 5, 1941, issued its Decision No. 34468 in the above entitled proceeding without first holding a hearing, and granted said application provided the crossing of Sperry Tract Road be protected by two Standard No. 8 crossing signals.

Subsequent thereto applicant protested the installation of these signals on the ground that they were not necessary, and the Commission on January 6, 1942, issued its Order Setting Aside Decision No. 34468 and Reopening Application No. 24247 for Hearing.

A public hearing was held in this matter before Examiner Hall in Stockton on January 16, 1942, at which time the matter was submitted for determination.

The Western Pacific Railroad Company's main line runs in a general southerly direction from Stockton to French Camp, passing through the Station of Ortega. However, the crossing at grade involved is located on an extension of Sperry Tract Road over The Western Pacific Railroad Company's track near Ortega.

In the vicinity of the proposed crossing a county highway,

known as McKinley Avenue, runs parallel to and west of said railroad company's right of way. At approximately one mile east thereof is located Sharps Lane, a county road which runs in a general north and south direction.

Sperry Tract Road for some time has been graded and paved between McKinley Road and Sharps Lane, with the exception of the crossing over The Western Pacific Railroad Company's tracks. Applicant's witnesses showed that the Sperry Tract Road is necessary for travel between Sharps Lane and McKinley Avenue, particularly due to the location of the Stockton Airport on the east side of Sharps Lane. It was contended that traffic destined from the airport to French Camp and points west would have to travel about one mile either north or south to reach existing crossings over the railroad.

The travel along Sperry Tract Road is expected to be relatively light and the view of approaching trains, particularly from the east, is reasonably good. However, vehicles approaching from the west do not have as good a view of the crossing on account of the necessary turning movement from McKinley Avenue to the Sperry Tract Road, and the view is somewhat obstructed by trees growing on the right of way between McKinley Avenue and the railroad. It appears, however, that if the trees within 200 feet of the crossing were kept trimmed high, a relatively good view of approaching trains could be had.

After a review of the entire record in this proceeding it is concluded that the use to be made of the Sperry Tract Road does not at this time justify the expense of installing automatic protection; however, if it is found in the future that traffic increases to such an extent that automatic protection is necessary, it will be so ordered.

O R D E R

A public hearing having been held and the matter being now ready for decision;

IT IS HEREBY ORDERED that the Board of Supervisors of San Joaquin County, State of California, is hereby authorized to construct Sperry Tract Road at grade across the track of The Western Pacific Railroad Company at the location more particularly described in the application and shown by the map, Exhibit "A," attached to and made a part thereof, subject, however, to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 4-89.7.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two feet outside of the outside rails shall be borne by The Western Pacific Railroad Company.
- (3) The crossing shall be constructed of a width of not less than 24 feet and at an angle to the railroad of approximately 90 degrees, with grades of approach not greater than 4 per cent; shall be constructed equal or superior to the type shown as Standard No. 2 of our General Order No. 72; shall be protected by two Standard No. 1 crossing signs, as specified in our General Order No. 75-B; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Applicant shall, at its own expense, trim and keep trimmed trees growing along the line between McKinley Avenue and the railroad for a distance of at least 200 feet on both sides of the crossing, to a sufficient height to allow motorists a view of the track in both directions.
- (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 effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, March 17

1942.

Justus F. Cramer
Ray L. Ripley
A. J. Baker
Francis R. Stevens
Richard Lachse

Commissioners