

ORIGINAL

Decision No. 11650

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
the Board of Supervisors of the)
County of Merced, State of California,) Application No. 8548
for permission to construct a public)
road at grade across tracks of Southern)
Pacific Company at Johnson Street in)
the vicinity of Delhi in said county.)

In the matter of the application of)
the Board of Supervisors of the)
County of Merced, State of California,) Application No. 8549
for permission to construct a public)
road at grade across tracks of Southern)
Pacific Company at El Capitan Way in)
the vicinity of Delhi in said county.)

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of Merced, State of California, having on January 3rd, 1923, filed with the Commission the above entitled applications for permission to construct Johnson Street and El Capitan Way, respectively, at grade across the tracks of Southern Pacific Company, hereinafter called the Railroad, in said County, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the Railroad has signified by letter that it has no objection to the construction of said crossings at grade, and it further appearing that the construction of said crossings will be a convenience to the Railroad in enabling it to rearrange its station facilities at Delhi providing the present location of the crossing at grade of El Capitan Way is abandoned and that because of this fact the

Railroad is willing to bear the expense of constructing the crossings between the rails and for two feet outside thereof, and it further appearing that it is not reasonable not practicable to avoid a grade crossing with said tracks, and that the application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted the Board of Supervisors of the County of Merced, State of California, to construct Johnson Street at grade across the tracks of the Railroad in the location described as follows:

Commencing at a point on the westerly right of way of the Southern Pacific Railroad Company's right of way said point being at Engineering Station 2058 plus 05.7, being at a point that is S.47°39'E., 140 feet from the most easterly corner of Lot 33, Block 1, of the Townsite of Delhi, as shown on the Delhi State Land Settlement Board map; thence S.42°21'E., along the westerly right of way line of the Southern Pacific Company's railroad 80 feet; thence N. 47°39'E., 100 feet to the easterly line of the right of way; thence along said right of way N.42°21'W., 80 feet; thence S.47°39' W., 100 feet to point of beginning.

All of the above as shown by the map No. 596 attached to Application No. 8548; said crossing to be constructed subject to the following conditions, viz:-

(1) The expense of constructing and maintaining that portion of the crossing up to lines two (2) feet outside of the outside rails shall be borne by the applicant. The expense of constructing and maintaining that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by the Railroad.

(2) The crossing shall be constructed of a width of not less than twenty four (24) feet and at an angle of ninety (90) degrees to the Railroad, and with grades of approach not greater than two (2) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) The large sign board situated southeasterly of said crossing adjacent to the Railroad on its southwesterly side shall be removed.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED, that permission be and it is hereby granted the Board of Supervisors of the County of Merced, State of California, to construct El Capitan Way at grade, across the tracks of the railroad, in the location described as follows:

Commencing at a point on the westerly right of way line of the Southern Pacific Company's right of way, said point being S.42°21'E., 614 feet from the most northerly corner of Delhi Townsite, as the same is of official record in the office of the County Recorder, of the County of Merced, State of California; thence N.47°39'E. 100 feet to the easterly right of way line of the Southern Pacific Railroad Company's railroad; thence along said right of way S.42°21'E., a distance of 80 feet; thence S.47°39'W., 100 feet, to the westerly right of way line of the Southern Pacific Railroad Company's right of way; thence N.42°21'W., 80 feet to the point of beginning; and

Commencing at a point in the northeasterly boundary line of Wilson Street, said point being N.42°21'W., a distance of 338.50 feet from the intersection of said northeasterly boundary line with the northwesterly boundary line of El Capitan Way in the town of Delhi as the same is delineated and so designated on the official map of said Town, filed February 18, 1922, in Book 8, Pages 1 to 6, of the Official Plats of Merced County, California; said point of commencing also being 150 feet northeasterly, measured at right angles from the center line of the main track of the Southern Pacific Railroad Company at Engineers Station 2042 plus 52.2; thence N.42°21'W. along said northeasterly line of Wilson Street, 94.22 feet to a point, thence northeasterly along the arc of curve concave to the right, having a radius

of 231.78 feet. (whose tangent at last mentioned point bears $S.67^{\circ}34'E.$) a distance of 69.58 feet to the point of tangent; thence $S.89^{\circ}56'E.$, a distance of 142.04 feet to a point in the southwesterly line of Commercial Street; thence $S.42^{\circ}21'E.$, along said southwesterly line of Commercial Street a distance of 108.37 feet to a point; thence $N.89^{\circ}56'W.$, a distance of 215.12 feet to a point; thence southwesterly along the arc of curve concave to the left, having a radius of 151.78 feet (whose tangent at last mentioned point is the last described course) a distance of 4.86 feet to the point of commencing.

All of the above as shown by the map No.594 attached to Application No.8549; said crossings to be constructed subject to the following conditions; viz:-

(1) The expense of constructing and maintaining those portions of each crossing up to lines two (2) feet outside of the outside rails shall be borne by the applicant. The expense of constructing and maintaining those portions of each crossing between lines two (2) feet outside of the outside rails shall be borne by the Railroad.

(2) The crossings shall be constructed of a width not less than thirty (30) feet and with grades of approach not greater than two (2) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) The existing crossing of El Capitan Way located at engineer's station 2046 plus 30.7 shall be legally abandoned and effectively closed to public use and travel.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) The authorization herein granted for the installation of said crossing shall lapse and become void one year from

the date of this order unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED that the Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance, and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

This order shall become effective ten (10) days after the making thereof.

Dated at San Francisco, California, this 10th day of February, 1923.

C. A. Seavey
H. B. Brundage
Waring Martin
Commissioners.