

ORIGINAL

Decision No 12668

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
the County of Merced for authorization)
permitting the construction of the)
highway crossing at grade over the)
tracks of the Central Pacific Railroad)
Company, on Hayes Road Crossing.)

Application No. 9201.

BY THE COMMISSION:

ORDER

Board of Supervisors of the County of Merced, State of California, having on July 9, 1923 filed with the Commission an application for permission to construct a public road at grade across the tracks of Southern Pacific Company, hereinafter called the Railroad, in the vicinity of Athlone Station, 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 will not oppose the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said track, 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 Hayes Road at grade across track of

the Railroad, described as follows:

BEGINNING at a point in the southwesterly right of way line of Southern Pacific Company at its intersection with the south line of Section 33 T 8 S. R 15 E MDB&M thence forty (40) feet southeasterly along said southwesterly right of way line of said Southern Pacific Company to a point; thence one hundred (100) feet northeasterly and at right angles to center line of said Southern Pacific Company to a point in the northeasterly right of way line of said Southern Pacific Company; thence eighty (80) feet northwesterly along said northeasterly right of way line to a point; thence one hundred (100) feet southwesterly and at right angles to said center line of Southern Pacific Company to a point in said southwesterly right of way line; thence forty (40) feet southeasterly along said southwesterly right of way line to point of beginning.

All of the above as shown by the map attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width 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 three per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) The existing private crossing located one hundred and forty feet more or less southeasterly and measured along center line of Railroad from Hayes Road shall be abandoned and effectively closed.

(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 will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) 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, the public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 1st day of ~~September~~ October 1923.

Cl. Seuring
H. H. Brundage
Jacoby M. Astor

Commissioners.