

Decision No. 12703

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of application of)
Southern Pacific Company for an)
order authorizing the construction)
at grade of a spur track across)
Second Street, in the City of Los)
Banos, County of Merced, State of)
California.)

ORIGINAL

Application No. 9407.

BY THE COMMISSION:

ORDER

Southern Pacific Company a corporation, having on September 26, 1923, filed with the Commission an application for permission to construct a spur track at grade across Second Street in the City of Los Banos, County of Merced, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit (Resolution No. 46) has been granted by the Board of Trustees of said City of Los Banos for 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 Second Street, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted Southern Pacific Company to construct a spur track at grade across Second Street in the City of Los Banos, County of Merced,

State of California, described as follows:

BEGINNING at a point on center line of West turnout to passing track from Southern Pacific Railroad Company's main line, Tracy to Fresno, as it now exists, said point being 60 ft. more or less in northwesterly direction from the intersection point of center line of said turnout to passing track and northwest line of Second St., City of Los Banos; thence in southeasterly direction from said point with switch and turnout to the left angle of $8^{\circ} 10'$ for 60 ft. more or less to northwest line of Second St., continuing across said street on said $8^{\circ} 10'$ angle for 20 ft; thence with curve to the right (Radius 858.59 ft.) for 60 ft. more or less across said street to private property; thence 30 ft. more to end of said curve; thence on tangent to said curve to end of spur, being in all 200 ft.

All of the above as shown by the map (Stockton Division Drawing No. A-2188, sheet No. 1) attached to the application; said crossing to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of said Second Street now graded, and with grades of approach not exceeding four (4) 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) 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.

(5) 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 three (3) days after the making thereof.

Dated at San Francisco, California, this 13th day of October, 1923.

C. Seaver

Dwight Martin

J. T. Whitney
Commissioners