

ORIGINAL

Decision No. 12958

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 crossing) Application No. 9581
Fourth Street and Seventh Street,)
in the City of Los Banos, County)
of Merced, State of California.)

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, having on December 10, 1923, filed with the Commission an application for permission to construct a spur track at grade across Fourth Street and Seventh 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 (Ordinance No. 118) has been granted by the City Council of said City of Los Banos for the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said Fourth Street and Seventh 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 Fourth Street and Seventh Street in the City of Los Banos, County of Merced, State of California, described as follows:

Fourth Street Crossing: Beginning at a point in the westerly line of 4th Street, said point being distant southerly 122 ft. more or less, measured along said westerly line of 4th Street from its intersection with the southerly line of "G" Street; thence southeasterly on a straight line a distance of 80 ft. more or less across said 4th Street to a point in the easterly line of aforesaid 4th Street, said point being distant 20 ft. more or less measured southerly along said easterly line of 4th Street from its intersection with the northerly right of way line of Southern Pacific Company.

Seventh Street Crossing: Beginning at a point in the easterly line of 7th Street, said point being distant southerly 122 ft. more or less measured along said easterly line of 7th Street from its intersection with the southerly line of "G" Street; thence northwesterly on a straight line a distance of 80 ft. more or less across said 7th Street to a point in the westerly line of aforesaid 7th Street, said point being distant 20 feet, more or less, measured southerly along said westerly line of 7th Street from its intersection with the northerly right of way line of Southern Pacific Company.

All of the above as shown by the map (Stockton Division Drawing V-2161) attached to the application; said crossings to be constructed subject to the following conditions, viz:

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

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of said streets now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, 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 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 three (3) days after the making thereof.

Dated at San Francisco, California, this 27th day of December, 1923.

C. S. Henry

David M. Martin
Ernest S. Stone

Commissioners.