

Decision No. 13584

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of The Atchison, Topeka and Santa  
Fe Railway Company, a corporation,  
for authority to construct, maintain  
and operate a spur track across "G"  
Street in the City of Merced, State  
of California. )

) Application No. 10046

**ORIGINAL**

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 5th day of May, 1924, asking for authority to construct a spur track at grade across "G" Street in the City of Merced, County of Merced, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 343) has been granted by the Board of Trustees of said City of Merced for the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a separated grade crossing at the point mentioned in this application, or to avoid a grade crossing with said "G" Street and that this application should be granted subject to the conditions hereinafter specified,

THEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to The Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade across "G" Street, in the City of Merced, County of Merced, State of California, as follows:

Commencing at a point in the east line of G Street, distant 26 feet northerly from main track of The A.T. & S.F. Ry. Co.; thence westerly parallel with and distant 26 feet northerly from said main track 110 feet to the west line of G Street.

All of the above as shown by the map (Division Engineer's Drawing No. V-4-293) 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 "G" street 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 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) If said crossing 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 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 16<sup>th</sup> day of May, 1924.

W. H. ...

H. B. ...

Egerton Shore

Commissioners.