

Decision No. 13936

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)
SOUTHERN PACIFIC COMPANY for an)
order authorizing the construction)
at grade of spur track across 4th) Application No. 10,391.
Street, in the City of Gustine,)
County of Merced, State of)
California.)

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 14th day of August, 1924, asking for authority to construct a spur track at grade across Fourth Street in the City of Gustine, County of Merced, State of California, as hereinafter set forth. The necessary franchise or permit has been granted by the Board of Trustees of said City 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 Fourth 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 Southern Pacific Company to construct a spur track at grade across Fourth Street, in the Town of Gustine, County of Merced, State of California, as follows:

COMMENCING at a point in the center line of the Southern Pacific Railroad Company's side track as now exists at Gustine, said point being distant 335 ft. northerly from the north line of North Ave., and opposite Engineer Station 6254-20; thence southerly with switch and turnout to the right distant 65 feet; thence on curve to the right (radius 382.04 ft.) and tangent to aforesaid line 155 feet; thence on tangent to aforesaid curve distant 30 ft., thence on curve to the left, distant 25 ft., to the easterly line of 4th St.; thence continuing on aforesaid curve entering 4th Street and crossing North Ave., and continuing along 4th Street 230 ft., thence on tangent to aforesaid curve and parallel and 15 ft. distant from the west line of 4th Street 45 ft., thence on curve to right (radius 382.04) distant 80 ft. to west line of 4th Street; thence continuing on aforesaid curve into private property 69.5 ft. All streets and avenues mentioned above are as per official map as of record in County Recorder's office at Marced, Marced County, Calif.

All of the above as shown by the map (Stockton Division Drawing No. A-2342) 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 Fourth Street now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding one (1) 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 19th day of August, 1924.

H. P. Rundige

Dwight Martin

J. F. Whittney
Commissioners.