

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the County of Merced for authorization permitting the construction of the highway crossing over the Southern Pacific Railroad on an Avenue in Merced County.

ORIGINAL

Application No. 10653.

C. H. McCray, for County of Merced.

H. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this application, the County of Merced requests authority to construct a road at grade over the tracks of Southern Pacific Company at a point about one mile southeast of the City Limits of Merced.

A public hearing was held at Merced on August 28th, 1925, before Examiner Satterwhite.

From the record of that hearing it is apparent that the primary purpose of this crossing, if granted, would be to form a more convenient means of access to a pottery plant located across the tracks from the State Highway. The State Highway at this point is parallel with and adjacent to the Southern Pacific Company's right-of-way and lies on the northerly side thereof. Public crossings over the railroad tracks are maintained 1600 feet easterly and 2400 feet westerly from the proposed point of crossing, which gives access to the State Highway from the territory lying to the southward.

While the application states that a public highway has been laid out and established according to law up to the railroad right-of-way line and that travel upon said highway is prevented by reason of there being no crossing at the intersection of said highway and said

railroad, it appears from the record that this road has been legally abandoned and vacated by the County, presumably because of lack of public necessity for same; that the proposed crossing would connect with no public road either actual or projected and that it would be impossible for the public to use the crossing without encroaching on private property.

From the evidence, therefore, it is not apparent wherein any public necessity for this crossing exists and in the following order the application will therefore be denied:

O R D E R

County of Merced, having applied to the Commission for permission to construct a crossing at grade over tracks of Southern Pacific Company at a point approximately one mile southeast of Merced City Limits in Section 29, T. 7 S., R. 14 E., M.D.B. & M., a public hearing having been held, the matter having been duly submitted and now ready for decision, for the reasons stated in the foregoing opinion,

IT IS HEREBY ORDERED, that the above entitled application be and the same is hereby denied.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> day of December, 1925.

H. B. Brundage

C. S. Cheney

George D. Squires

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Commissioners.