

Decision No. 15796

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 Central Camp Colony.

ORIGINAL

Application No. 10652.

C. H. McCray, for County of Merced, Applicant.

E. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

This is an application by the County of Merced to open a public road crossing at grade over the track of Southern Pacific Company some two miles northwest of Atwater in Central Camp Colony. A public hearing was held at Merced on August 28th, 1925, before Examiner Satterwhite, at which Southern Pacific Company appeared but did not oppose the granting of this application.

The State Highway in the vicinity of the proposed crossing lies adjacent to the railroad and on the northerly side thereof. The territory to the south of the track has been sub-divided into twenty acre farms and several roads are laid out through the tract, one of which gives access to a private crossing which it is proposed to make public. At the present time public crossings are maintained one-half mile in each direction from the site of the one proposed in the application, but it is claimed that certain of the residents of the tract cannot conveniently reach these crossings and that the intermediate crossing is therefore a public necessity.

The existing private crossing has been used by the general public as a means of ingress and egress from this tract for many

years and it may be that the County of Merced has all the rights for the maintenance of this crossing that it seeks, but, be that as it may, it appears that the public convenience and necessity justify its construction and maintenance as the most feasible and practical outlet for the property served, and that therefore this application should be granted.

### O R D E R

The Board of Supervisors of the County of Merced having made application for permission to construct a public highway at grade across the track of Southern Pacific Company in the vicinity of Atwater, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the establishment of a public crossing at grade at the point above indicated, therefore,

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Merced, State of California, to construct a county road at grade across the track of Southern Pacific Company, the center line of said crossing being described as follows:

Beginning at the point of intersection of the half section line running north and south through the center of Section 3, T. 7 S., R. 12 E., M.D.B. & M. with the southerly line of the right-of-way of Central Pacific Railroad Company; thence northeasterly at right angles to said right-of-way line one hundred feet to a point on the northeasterly line of said right-of-way.

and as shown by the map attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to

applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than one (1) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 28<sup>th</sup> day of December, 1925.

H. B. Brundage

C. Seavey

George D. Squires

Leon Whitell

Commissioners.