

Decision No. 12,748.

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 a highway crossing at grade over the tracks of the Southern Pacific Railroad, on the Clark and Dutch Corner Road Change, No. 557.

Application No. 12,748.

BY THE COMMISSION:

O R D E R

Board of Supervisors of the County of Merced, State of California, filed the above entitled application with this Commission on the 14th day of April, 1926, asking for authority to construct a public road at grade across the tracks of Southern Pacific Company in said County, as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to the construction of said crossing at grade providing an existing crossing of Middle Road 1268 feet southerly from the proposed crossing be legally abandoned and closed to public use and travel, 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 grade separation or to avoid a grade crossing with said tracks at the point mentioned in this Application, 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 Board of Supervisors of the County of Merced, State of California, to construct a public

road at grade across the tracks of Southern Pacific Company as follows:

Commencing at a point on the East line of the Southern Pacific Railroad Company's right of way, said point bearing S. 72° 17' W., 92.0 feet from a point that is S. 33° 57' W., 378.0 feet from a point that is S. 61° 01' W., 82.7 feet from a point that is 36.5 feet South of point of intersection of the West line of Middle Road with the North line of Section 32, Township 7 South, Range 9 East, M.D.B. & M., the last named point being 20 feet West of the Northeast corner of the West 1/2 of the Northwest 1/4 of said Section 32, thence from the hereinabove described point of beginning N. 17° 43' W., 30 feet, thence S. 72° 17' W., 100 feet, thence S. 17° 43' E. along the Southwesterly line of said Railroad Company's right of way, 60 feet, thence N. 72° 17' E., 100 feet, thence N. 17° 43' W., 30 feet to place of beginning, containing .137 acres of land;

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 two (2) 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 suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) The existing crossing located approximately 1268 feet southerly from the crossing herein authorized shall be legally abandoned and effectively closed to public use and travel.

(4) The existing private crossing located approximately one quarter of a mile northerly from the crossing herein authorized shall be protected by farm gates and shall be kept closed at all times except when in actual use by the private interests entitled to use said private crossing.

(5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(6) 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.

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 19th day of June, 1926.

H. B. Brundage

C. L. Seamy

Leon Whitell

Commissioners.