

Decision No. 17166

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 a spur track across
County Road in the vicinity of
Atwater, County of Merced, State
of California.

Application No. 12,900.

BY THE COMMISSION:

ORIGINAL

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 2nd day of June, 1926, asking for authority to construct a spur track at grade across County Road in the vicinity of Atwater, County of Merced, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution dated May 17, 1926) has been granted by the Board of Supervisors of said County for the construction of said crossing at grade. 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 at the points mentioned in this application with said County Road, 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 County Road in the vicinity of Atwater, County of Merced, State of California, as follows:

Beginning at a point in the center line of the main track of the Central Pacific Railway as now exists between Lathrop and Fresno and at E.S. 2564+25.0; thence southerly with switch and turnout to right (angle 50° 44') distant 90 feet; thence on a curve to the right (Radius 459.28) distant 120 feet; thence on tangent to aforesaid mentioned curve distant 21.22 feet; thence on curve to the left (radius 459.28) distant 25 feet to the westerly line of County Road; thence continuing on aforesaid curve 60 feet to the easterly line of said County Road.

and as shown by the map (Stockton Division Drawing No. A-2693) attached to the application; said crossing to be constructed subject to the following conditions, namely:

(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 substantially in accordance with Standard No. 2, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said road now graded, with the tops of rails flush with the roadway, 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.

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

Dated at San Francisco, California, this 29th day of July, 1926.

H. B. Brundage

O. L. Seamy

Thos. S. Rutter

Commissioners.