

Decision No. 17251

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 temporary spur track
across Cox Ferry Road, in the vi-
cinity of Merced (Batturs Station),
County of Merced, State of Califor-
nia.

ORIGINAL

Application No. 13107.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 13th day of August, 1926, asking for authority to construct a temporary spur track at grade across Cox Ferry Road, in the vicinity of Merced (Batturs Station), County of Merced, State of California, as hereinafter set forth. 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 point mentioned in this application with said Cox Ferry 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 temporary spur track at grade across Cox Ferry Road, in the vicinity of Merced (Batturs Station), County of Merced, State of California, as follows:

Beginning with a point in the southeast right of way line of the Southern Pacific Company, which point is located north 820 feet from the south line of Section 11, Township 7 South, Range 13 East, also said point being in the southeast line of a county road located in Merced County and generally known as the Cox Ferry Road; thence from said beginning point with a curve concave to the left, radius 453.59 feet to a point in the east line of said Cox Ferry Road, which point is located 720 feet north of the south line of Section 12, Township 7 South, Range 13 East;

and as shown by the map, dated August, 1926, attached to the application; said temporary crossing to be constructed subject to the following conditions, namely:

(1) Before the construction of this temporary crossing shall be started, applicant shall submit to this Commission a certified copy of a franchise or other evidence of consent from the County Supervisors for the construction of said temporary crossing at grade.

(2) The entire expense of constructing the temporary 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.

(3) Said temporary crossing shall be constructed equal or superior to type shown as 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 three (3) 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.

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

(5) If said temporary crossing shall not have been installed within forty-five (45) days from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) The authorization herein granted for the installation of said temporary crossing shall lapse and become void ninety (90) days from the date of this order, whereupon said crossing shall be abolished and the County Road restored to its original condition, unless further time is granted by subsequent order.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said temporary 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 20th day of August, 1926.

H. H. Boudige
C. C. Seavey

Thos. J. Houtch

Commissioners.