

ORIGINAL

Decision No. 17345.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of
SOUTHERN PACIFIC COMPANY for an
order authorizing the construc-
tion at grade of ten (10) grade
crossings at Madera, in the County
of Madera, State of California.

Application No. 13099.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 10th day of August, 1926, asking for authority to construct its tracks at grade across several streets in the city of Madera, County of Madera, and across Olive Avenue in the County of Madera, State of California, as hereinafter set forth. The necessary franchise or permits (Ordinance No. 30 N. S. and Resolution dated April 5th) have been granted by the Board of Trustees of said City and Board of Superisors of said County for the construction of said crossings 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 grade separations, or to avoid grade crossings at the points mentioned in this application with said Streets and Olive Avenue 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

its tracks at grade across "E, Ninth, Tenth, Eleventh, Twelfth, Thirteenth and Fourteenth Streets and Olive Avenue in the City of Madera, County of Madera and across Olive Avenue in the County of Madera, State of California, as follows:

Track "A"
"E" and ELEVENTH STREETS:

1. Beginning at a point in the westerly line of "E" Street, distant 147.00 feet, more or less, southerly from the southerly line of Eleventh Street produced westerly, measured along the said westerly line of "E" Street; thence northerly on a curve concave to the left, having a radius of 459.28 feet along and across "E" Street and 11th Street, a distance of 233 feet more or less to a point in the northerly line of 11th Street, said point being 3.00 feet, more or less, easterly from the easterly line of "E" Street measured along the said northerly line of Eleventh Street.

TENTH STREET:

2. Beginning at a point in the southerly line of 10th Street, distant at right angles 8.5 feet easterly from the easterly line of "E" Street; thence northerly in a straight line crossing 10th Street, a distance of 80.0 feet to a point in the northerly line of said 10th Street, distance 8.5 feet at right angles easterly from the easterly line of "E" Street.

NINTH AND "E" STREETS:

3. Beginning at a point in the southerly line of 9th Street, distant 5.0 feet, more or less, at right angles easterly from the easterly line of "E" Street; thence northerly on a curve, concave to the left, having a radius of 477.68 feet along 9th Street and the intersection at "E" Street, a distance of 65.00 feet, more or less, to end of curve; thence continuing northerly in a straight line (tangent to last described curve) across the intersection of 9th and "E" Streets and along "E" Street a distance of 235.00 feet, more or less to a point in the westerly line of "E" Street.

TRACK "B"
"E" STREET:

4. Beginning at a point in the center line of the existing spur track serving the Madera Sugar Pine Lumber Company, said point being 48.00 feet, more or less, southwesterly at right angles from the easterly line of "E" Street and 107.00 feet, more or less, southeasterly at right angles from the southerly line of 11th Street; thence northerly through a No. 8 turnout curve (angle $8^{\circ} 10'$) to the left, a distance of 66.00 feet, more or less to a point in the said easterly line of "E" Street.

ELEVENTH STREET:

5. Beginning at a point in the southerly line of 11th

Street distant 50.00 feet, more or less, easterly measured along the said southerly line of 11th Street from the easterly line of "E" Street; thence northerly on a curve, concave to the left, having a radius of 459.28 feet, crossing 11th Street, a distance of 94.00 feet, more or less, to a point in the northerly line of 11th Street, said point being distant 94.00 feet easterly measured along the said northerly line of 11th Street from the said easterly line of "E" Street.

TENTH STREET:

6. Beginning at a point in the southerly line of 10th Street distant 141.5 feet easterly measured along the said southerly line of 10th Street from the easterly line of "E" Street; thence northerly in a straight line crossing 10th Street, a distance of 80.00 feet to a point in the northerly line of 10th Street, distant 141.5 feet easterly measured along the said northerly line of 10th Street from the said easterly line of "E" Street.

TRACK "C"

OLIVE AVENUE:

7. Beginning at a point in the south line of Olive Avenue distant 245.00 feet more or less, westerly measured along the said south line of Olive Avenue from its intersection with the southeasterly production of the westerly line of "D" Street; thence northerly on a curve concave to the left, having a radius of 459.28 feet crossing Olive Avenue, a distance of 58.00 feet, more or less, to a point in the northerly line of Olive Street, distant 187.00 feet, more or less, easterly measured along the northerly line of Olive Street from the easterly line of "E" Street.

FOURTEENTH STREET:

8. Beginning at a point in the southerly line of 14th Street distant 141.5 feet measured easterly along the southerly line of 14th Street from the easterly line of "E" Street; thence northerly in a straight line crossing 14th Street, a distance of 80.00 feet to a point in the northerly line of 14th Street, distant 141.5 feet easterly measured along the said northerly line of 14th Street, from the easterly line of "E" Street.

THIRTEENTH STREET:

9. Beginning at a point in the southerly line of 13th Street distant 141.5 feet measured easterly along the southerly line of 13th Street from the easterly line of "E" Street; thence northerly in a straight line crossing 13th Street, a distance of 80.00 feet to a point on the northerly line of 13th Street, distant 141.5 feet easterly measured along the said northerly line of 13th Street, from the said easterly line of "E" Street.

TWELFTH STREET:

10. Beginning at a point in the southerly line of 12th Street distant 141.5 feet measured easterly along the southerly line of 12th Street from the easterly line of "E" Street; thence

northerly in a straight line crossing 12th Street, a distance of 80.00 feet to a point in the northerly line of 12th Street, distant 141.5 feet easterly measured along the said northerly line of 12th Street from the said easterly line of "E" Street.

and as shown by the map (Stockton Division, Drawing D2701) attached to the application; said crossings to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossings together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings of Tenth, Ninth, "E", and Fourteenth Streets and Olive Avenue described in paragraphs 2, 3, 6, 7 and 8 of above description 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 of a width to conform to those portions of said streets 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 suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Said crossings shall be so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of roadway along said "E", Eleventh, Thirteenth and Twelfth Streets as described in paragraphs 1, 4, 5, 9 and 10 of above description shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

(4) This order is made upon the express condition that "E", Eleventh, Twelfth and Thirteenth Streets are not now actually constructed and open to travel at the points of crossing described

in paragraphs 1, 4, 5, 9 and 10 of above description, and said order shall not be deemed an authorization for the construction of an opening of said streets to public use across said railroad tracks.

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

(6) If said crossings 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.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 September, 1926.

H. B. Burdette
Clarence
Ernest
Leon
Thos. S. Howard
Commissioners