

Decision No. 17711

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 "H" Street, in the City of Los Banos, County of Merced, State of California.

**ORIGINAL**  
Application No. 13326.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 18th day of November, 1926, asking for authority to construct a spur track at grade across "H" Street in the City of Los Banos, County of Merced, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 26-3) has been granted by the Board of Trustees of said City of Los Banos 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 point mentioned in the application with said "H" Street and that the 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 "H" Street in the City of Los Banos, County of Merced, State of California, at the location hereinafter particularly described and as shown by the map (Stockton Div'n. Dwg. No. C-2836, Sheet No. 1) attached to the application.

## DESCRIPTION OF CROSSING

Beginning for a center line description of the portion of said spur track located in "H" Street at a point on the Southerly line of Block No. 66, said point being located 230 feet, more or less, westerly of the Northeast corner of said Block 66, and measured along the northerly line of said Block; thence from said point of beginning across "H" Street with a curve concave to the right, radius 371.31 feet for a distance of 95 feet, more or less, to a point on the northerly line of "H" Street, said point being located 178 feet (erroneously given in application as 150 feet) more or less, westerly from the intersection of the Southern Pacific Railroad Company's right-of-way line between Tracy and Fresno, and the northeasterly boundary line produced of said Block 66.

The above crossing shall be identified as Crossing  
No. B. A.-141.0-S.

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 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 "H" Street now graded, with the tops of rails at same elevation as main line rails and flush with the roadway, and with grades of approach not exceeding two (2) 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 3<sup>d</sup> day  
of December, 1926.

H. R. ...  
C. ...  
...  
Leon ...  
...

Commissioners.