

Decision No. 18320

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Southern Pacific Company for an order authorizing the construction at grade of a side track across M Street and three side tracks across O Street, in the City of Merced, County of Merced, State of California.

Application No. 13697.

BY THE COMMISSION:

ORIGINAL

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 13th day of April, 1927, asking for authority to construct side tracks at grade across "M" and "O" Streets in the City of Merced, County of Merced, State of California, as hereinafter set forth. While the necessary franchise or permit has not been granted by the Board of Trustees of said City for the construction of said crossings at grade at the exact locations proposed in this application, applicant has, however, filed with the Commission, in Application No. 13456, certified copy of a permit for the construction of a similar track layout serving practically the same purpose as those involved herein and states that a permit for these tracks will be filed at a later date. 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 "M" and "O" Streets 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 "M" and "O" Streets in the City of Merced, County of Merced, State of California, at the locations hereinafter particularly described and as shown by the map (M.W.D. Drawing 4990) attached to the application.

Description of Crossings

O Street:

(1) Beginning at a point in the Easterly line of O Street, produced, said point being distant Northerly 33 feet, more or less, at right angles from the center line of main track of the Central Pacific Railway Company; thence Northwesterly, crossing said O Street to a point on the Westerly line thereof, produced, the last mentioned point being distant 40 feet, more or less, Northerly at right angles from said center line.

(2) Beginning at a point in the Easterly line of O Street, produced, said point being distant 30 feet, more or less, Northerly at right angles from the center line of main track of the Central Pacific Railway Company; thence Westerly, crossing said O Street to a point in the Westerly line thereof, produced, the last mentioned point being distant 22 feet, more or less, Northerly at right angles from said center line of main track.

(3) Beginning at a point in the Easterly line of O Street, produced, said point being distant 17 feet, more or less, Southerly at right angles from the center line of main track of the Central Pacific Railway Company; thence Northwesterly, crossing said O Street to a point in the Westerly line thereof, produced, the last mentioned point being distant 6 feet, more or less, Southerly at right angles from said center line of main track.

M Street:

(1) Beginning at a point in the Westerly line of M Street, produced, said point being distant 20 feet, more or less, Northerly at right angles from the center line of main track of the Central Pacific Railway Company; thence Easterly and parallel to said center line of main track, crossing said M. Street to a point in the Easterly line thereof, produced.

The above crossing of "M" Street shall be identified as Crossing No. B-150.6 and those of "O" Street shall be identified as Crossing No. B-150.7.

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 "O" Street shall be constructed equal or superior to type shown as Standard No. 2 in General Order No. 72 of this Commission and said crossing of "M" Street shall be constructed substantially in accordance with Standard No. 4 of said General Order; both crossings shall be constructed without super-elevation and of a width to conform to those portions of said streets 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 suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Two wig-wags of type shown as Standard No. 3 or one wig-wag of type shown as Standard No. 4 in General Order No. 75 shall be installed for the protection of said crossing of "M" Street. Existing crossing gates at this street shall be removed. Said wig-wags shall be manually controlled between the hours of 6:00 A.M. and 7:00 P.M. daily, and automatically controlled for the remainder of the twenty-four hour period.

(4) The cost of installing and maintaining wig-wag or wig-wags for the protection of said crossing of "M" Street and the cost of removing existing crossing gates at this street shall be borne by applicant.

(5) Applicant shall, within sixty (60) days submit a certified copy of a franchise or permit from the City of Merced for the construction of said crossings at grade and in the event that this is not done, the authorization here granted for the installation of said crossings shall lapse and shall thereupon become null and void and of no further force and effect.

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

(7) 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.

(8) 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 3rd day of ~~April~~^{May}, 1927.

Commissioners.