

Decision No. 21506.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of COUNTY OF MERCED (viewers' petition), to construct road in Crocker Colony, First Road District, across lands of Yosemite Valley Railroad Company.

Application No. 15559.

**ORIGINAL**

S. P. Galvin, for Applicant,  
 W. L. White, for Yosemite Valley Railroad Company, Interested Party,  
 W. S. Chenoweth, for The Atchison, Topeka and Santa Fe Railway Company, Interested Party.

BY THE COMMISSION:

O P I N I O N

In this application which is filed in the form of a viewer's petition, the County of Merced requests authority to construct a crossing at grade with a main line track of the Yosemite Valley Railroad and a spur track of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Merced.

A public hearing was held before Examiner Satterwhite on June 6th, 1929, at which hearing the matter was submitted.

The proposed road of which the crossings requested would form a part would be an east and west lateral connecting two important north and south county roads leading into the City of Merced, a short distance north of the city limits. A road now exists in this location which has been traveled by the public for a number of years and the railroads involved are crossed at what are presumably private crossings.

The Atchison, Topeka and Santa Fe Railway Company now maintains a stock corral within the city limits of Merced and

there has been considerable local agitation to have this corral removed.

The company has under consideration the construction of a new corral in the vicinity of the crossing of the proposed road with its spur track serving the Yosemite Valley Cement Mill, and the new road would be a considerable convenience to drivers of stock desiring to reach this corral from points north of Merced and would enable them to avoid driving stock through the city streets. It also appears that the road would have considerable local use as a connection between the two north and south roads mentioned above.

Both crossings are in what is now open territory and a clear view in all directions is obtainable. The train movement on both railroads is light and at comparatively slow speeds. No protest or objection to either of the crossings was made.

After considering the evidence in this proceeding, the Commission is of the opinion that the proposed crossings are necessary and desirable and should be authorized.

#### O R D E R

The Board of Supervisors of Merced County, having filed with this Commission, under the provisions of Section No. 2694 of the Political Code of California, a certified copy of the petition to freeholders in said county for the construction of a certain road together with a certified copy of the order of the Board of Supervisors appointing viewers to view said road, which road crosses the main line track of the Yosemite Valley Railroad and a spur track of The Atchison, Topeka and Santa Fe Railway Company, in the vicinity of Merced, a public hearing having been held and the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore,

IT IS HEREBY ORDERED that permission and authority be

and it is hereby granted to the Board of Supervisors of the County of Merced, State of California, to construct a county road at grade across the main line track of Yosemite Valley Railroad and at grade across a spur track of The Atchison, Topeka and Santa Fe Railway Company at the locations shown on the map (Exhibit No. 1) filed at the hearing.

Description of Crossings.

Commencing at a point 660 feet north of the corner to Sections 17, 18, 19, and 20, T. 7 S. R 14 E. M.D.M. thence west two miles to a point 660 feet north of the corner to Sections 13, 14, 23, & 24, T. 7 S. R. 13 E. Following as nearly as practical an Avenue shown on the map of the Crocker Colony of record in the office of the County Recorder of Merced County, crossing the main line of Yosemite Valley Railroad near the west line of said Section 18 and crossing a spur track of The Atchison, Topeka and Santa Fe Railway Company in the westerly half of said Section 13.

The above crossing of Yosemite Valley Railroad shall be identified as Crossing No. 46-1.5.

The above crossing of The Atchison, Topeka and Santa Fe Railway Company shall be identified as Crossing No. 2-1057.6-C.

Said crossings shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossings shall be borne by applicant. The cost of maintenance of those portions of said crossings up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of those portions of the crossings between lines two (2) feet outside of the outside rails shall be borne by the railroad company affected. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossings shall be assessed by applicant, in any manner whatsoever, to the operative property of either the Yosemite Valley Railroad or The Atchison, Topeka and Santa Fe Railway Company.

(2) The crossings shall be constructed of a width not

less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by Standard No. 1 crossing signs as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereon 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 crossings.

(4) 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.

(5) 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 30<sup>th</sup> day of August, 1929.

Paul S. Larkin  
Al. J. ...  
Ernest ...  
Leon ...  
M. J. ...  
 Commissioners.