

Decision No. 21862.

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 side track across Henderson Road, in the vicinity of Fergus, County of Merced, State of California.

ORIGINAL

Application No. 16024.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 19th day of October, 1929, asking for authority to construct a passing track at grade across Henderson Road in the vicinity of Fergus, County of Merced, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution dated September 3, 1929,) has been granted by the Board of Supervisors of said county 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 this application with said 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 passing track at grade across Henderson Road in the vicinity

of Fergus, County of Merced, State of California, at the location hereinafter particularly described and as shown by the map (Stockton Division Drawing A-3504) attached to the application.

Description of Crossing

Beginning at a point in the west line of Henderson Road in Section 16, Township 7 South, Range 13 East, MDB&M, said point being 14 feet distant at right angles southwesterly from the center of the main track of Central Pacific Railway Company, Lathrop to Fresno; thence southeasterly parallel to and 14 feet distant from the main track of the Central Pacific Railway Company 65.65 feet to a point in the East line of Henderson Road in Section 15, Township 7 South, Range 13 East, MDB&M.

The above crossing shall be identified as a portion of Crossing No. B-147.3.

Said crossing to be constructed subject to the following conditions, and not otherwise:

(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 of a width to conform to that portion of said road 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 four (4) per cent; shall be protected by a Standard No. 1 crossing sign as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) Within ninety (90) days from the date of installation of the crossing herein authorized, a wigwag conforming with

Standard No. 3 of the Commission's General Order No. 75 shall be installed for the protection against all movements over the adjacent main line crossing.

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

(5) 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.

(6) 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 5th day of December, 1929.

David S. Lattin

Ch. Seaver

M. J. Carr

Commissioners.