

Decision No. 24550

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

**ORIGINAL**

In the Matter of the Application  
of THE ATCHISON, TOPEKA AND SANTA  
FE RAILWAY COMPANY, a corporation,  
for authority to construct a spur  
track at grade across the county  
road near Merced, in the County  
of Merced, State of California.

Application No. 17972.

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, on February 17, 1932, applied for authority to construct a spur track at grade across county road in the vicinity of Merced, County of Merced, State of California. Applicant claims the right to construct said crossing at grade under deed dated November 22, 1930, by which right of way for said county road was granted to Merced County and easement for additional tracks reserved. It appearing that a public hearing is not necessary herein; 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 and that the application should be granted subject to certain conditions,

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company is hereby authorized to construct a

spur track at grade across county road in the vicinity of Merced, County of Merced, State of California, at the location more particularly described in the application and as shown by the maps attached thereto, subject to the following conditions:

- (1) The above crossing shall be identified as a portion of Crossing No. 2-1057.6-C.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (3) Said crossing shall be constructed equal or superior to the type shown as Standard No. 2, in our General Order No. 72, 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 the rails of the adjacent track and flush with the roadway and with grades of approach not exceeding four (4) per cent.
- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (5) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 7<sup>th</sup> day of March, 1932.

C. J. Seaver  
Leo A. O'Brien  
W. H. Linn  
Wm. B. Wagner  
Fred G. Peterson  
Commissioners.