

Decision No. 25094.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of the People of the State of California, on relation of the Department of Public Works, for an order authorizing the construction of a State highway crossing at grade across the tracks of the Oakdale Branch of the Southern Pacific Railroad, near Bear Creek, Merced County, California.

ORIGINAL

Application No. 18226.

BY THE COMMISSION:

ORDER

The People of the State of California, on relation of the Department of Public Works, Division of Highways, on June 21, 1932, applied for authority to construct a State highway, known as Road VI-Mer-4-C, at grade across the track of Oakdale Branch of Southern Pacific Company, in the vicinity of the City of Merced, County of Merced, State of California. Southern Pacific Company, on July 2, 1932, signified, in writing, that it has no objection to the construction of said crossing at grade. 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 with said track at the point mentioned and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, Division of Highways, are hereby authorized to construct Road VI-Mer-4-C at grade across the track of Oakdale Branch of Southern

Pacific Company at the location as shown by the map (Exhibit "A") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. DC-161.8.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle to the railroad as shown by the map (Exhibit "A") attached to the application, and with grades of approach not greater than two (2) per cent; shall be constructed equal or superior to type shown as Standard No. 3, in our General Order No. 72; shall be protected by a Standard No. 1 crossing sign, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Applicant shall at its own expense install and maintain adequate flood lights at said crossing.
- (5) Prior to the beginning of actual construction of the crossing herein authorized, applicant shall file with this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public grade crossing located one-hundred and twenty-five (125) feet south of the crossing herein authorized and identified as Crossing No. DC-161.8. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said existing crossing herein-before referred to shall be legally abandoned and effectively closed.
- (6) 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 conditions hereof.

- (7) 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.
- (8) 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 22^d day of August, 1932.

Clarence
Leon Whitely
M. A. C.
M. B. Harris
Fred G. Stewart

Commissioners.