

ORIGINAL

Decision No. 10861

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application)	
of the Board of Supervisors of the)	
County of Merced, State of California,)	
for permission to construct a public)	
road at grade across the track of the)	Application No. 7901.
Southern Pacific Company near Gustine)	
at Clark and Dutch Corner Road No. 557.)	

BY THE COMMISSION:

ORDER

The Board of Supervisors of the County of Merced, State of California, having on May 31, 1922, filed with the Commission an application for permission to construct a public road at grade across the track of Southern Pacific Company, hereinafter called the Railroad, in said County, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the Railroad has signified by letter that it has no objection to the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said track, and that the application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted the Board of Supervisors of the County of Merced, State of California, to construct a road at grade across the track of the Railroad described as follows, to-wit:

1.

Commencing at a point on the East line of the Southern Pacific Railroad Company's right of way, said point bearing S. 72° 17' W., 92.0 feet from a point that is S. 33° 57' W., 378.0 feet from a point that is S. 61° 01' W., 82.7 feet from a point that is 36.5 feet South of point of intersection of the West line of Middle Road with the North line of Section 32, Township 7 South, Range 9 East, M.D.B. & M., the last named point being 20 feet West of the Northeast corner of the West 1/2 of the Northwest 1/4 of said Section 32, thence from the hereinabove described point of beginning N. 17° 43' W., 30 feet, thence S. 72° 17' W., 100 feet, thence S. 17° 43' E., along the Southwesterly line of said Railroad Company's right of way, 60 feet, thence N. 72° 17' E., 100 feet, thence N. 17° 43' W., 30 feet to place of beginning, containing 137 acres of land,

all of the above as shown on map attached to the application, said crossing to be constructed subject to the following conditions,

viz:

(1) The entire expense of constructing the crossing shall be borne by the applicant. The cost of its maintenance up to a line two (2) feet outside the rails shall be borne by the applicant. The maintenance of that portion of the crossing between the rails and two (2) feet outside thereof shall be borne by the Railroad.

(2) The crossing shall be constructed of a width not less than twentyfour (24) feet and at an angle of ninety (90) degrees to the railroad and with grade of approach not greater than two (2) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) The existing crossing located approximately 1268 feet southerly from the crossing herein authorized shall be legally abandoned and effectively closed to public use and travel.

(4) The existing private crossing located approximately one quarter of a mile northerly from the crossing herein authorized shall be protected by farm gates and shall be kept closed at all times except when in actual use by the private interests entitled to use

said private crossing.

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

(6) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(7) 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.

Dated at San Francisco, California, this 15th
day of August, 1922.

Erving Martin
Charles H. Moore
J. J. ...

Commissioners.