

Decision No. 11528

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application  
of The Atchison, Topeka and Santa  
Fe Railway Company, a corporation,  
for permission to construct a spur  
track across Twenty Fourth, "P" and  
"Q" Streets, in the City of Merced,  
County of Merced, State of California. )

Application No. 8558

ORIGINAL

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, having on January 6, 1923 filed with the Commission an application for permission to construct a spur track at grade across Twenty Fourth, "P" and "Q" Streets in the City of Merced, County of Merced, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit (Resolution No. 222) has been granted by the Board of Trustees of said City of Merced for the construction of said crossings at grade, it further appearing that said "Q" Street has been officially closed at the proposed point of crossing and is therefore not in fact a public street, and it further appearing

that it is not reasonable nor practicable to avoid grade crossings with said Twenty Fourth and "P" Streets, that that portion of the application pertaining to Twenty Fourth and "P" Streets should be granted and that that portion of the application pertaining to "Q" Street should be dismissed.

IT IS HEREBY ORDERED that permission be, and it is, hereby granted The Atchison, Topeka and Santa Fe Railway Company to construct its spur track at grade across Twenty Fourth and "P" Streets in the City of Merced, County of Merced, State of California, described as follows:

Commencing at a point in the center line of The Atchison, Topeka and Santa Fe Railway Company's main track, said point being 40 feet at right angles northeasterly from the southwesterly line of Twenty Fourth Street and 215.97 feet at right angles southeasterly from the southeasterly line of "P" Street, thence on a curve to the left with a radius of 942.29 feet, a distance of 86.17 feet, thence on a curve to the left with a radius of 573.69 feet, a distance of 101.5 feet, thence on a curve to the right with a radius of 573.69 feet, a distance of 112.33 feet to a point in the northwesterly line of "P" Street 6.82 feet at right angles southwesterly from the southwesterly line of Twenty Fourth Street.

All of the above as shown by the map (Division Engineer's Drawing No. V-4-229) attached to the application; said crossings to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings shall be so constructed that grades of approach not exceeding four (4) per cent will be feasible in the

event that the construction of roadways along said Twenty Fourth Street or along said "P" Street shall hereafter be authorized and so that said grade crossings of Twenty Fourth and "P" Streets may be made safe for the passage thereover 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) The authorization herein granted for the installation of said crossings shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(5) This order is made upon the express condition that Twenty Fourth and "P" Streets are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of and opening said streets to public use across said railroad track.

(6) 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.

IT IS HEREBY FURTHER ORDERED that that portion of the above entitled proceeding pertaining to the construction of a spur track at grade across "Q" Street be, and it is, hereby dismissed without prejudice.

This order shall become effective five (5) days  
after the making thereof.

Dated at San Francisco, California, this 18<sup>th</sup>  
day of January, 1923.

Chase  
H. B. ...  
Irving ...  
Erwin ...  
J. T. Whittney  
Commissioners.