

CR.

Decision No. .

ORIGINAL

Decision No. 3187

BEFORE THE RAILROAD COMMISSION OF
THE STATE OF CALIFORNIA

In the matter of the application
of the COUNTY OF MERCED for per-
mission to construct a highway
crossing at grade over the tracks
of the Central Pacific Railroad
Company, the Southern Pacific
Railroad Company lessee, in the
town of Livingston on "C" Street
of the Livingston Realty Company
Addition to said town.

Application

No. 2253.

C. E. McCray for Applicant.

Geo. D. Squires for Southern
Pacific Company.

BY THE COMMISSION.

O P I N I O N

In this application Merced County seeks per-
mission to open "C" Street in the unincorporated town
of Livingston over the tracks of the Southern Pacific
Company. It bases its request on the need for the
crossing to serve those who live on the south side of
the track to enable them to get to Merced, the County
seat, by the shortest route, to permit those who live

east of the crossing to reach the south side of the track in the easiest manner, to avoid the necessity of crossing the track at the nearest crossing to the west, alleged to be dangerous, to accommodate packing plants which are expected to locate on the south side of the track and, in general, to serve those who live in this vicinity and who now use the county road crossing which is said to be often blocked by trains standing across it.

The Southern Pacific Company opposed the granting of this application on the ground that the crossing was not needed and that its construction would interfere with a passing track over which it is to be located.

Livingston is a town of about 375 people, built on both sides of the track of the Southern Pacific Company, which traverses it in a general east and west direction. On the north of the track is a state highway and on the south is the property of the Livingston Realty Company, which has been subdivided and in which streets have been laid out which were accepted by the County as public roads. About in the center of the town is a north and south county road which crosses the track, but there are no crossings east of this for about a mile and a half. The proposed crossing is 1550 feet east of this county road. Undoubtedly the opening of "C" Street over the track to a connection with the State Highway would add greatly to the convenience of those who live south of

the town in the Stevenson and other colonies, the residents of which would find this street the shortest route to Merced, and it would also be a great convenience to those who live east of the proposed crossing and north of the track. The team track of the Southern Pacific Company is on the south side of the main line track and those from this territory who wish to use it are now forced to make a detour of from 3,000 to 6,000 feet on each round trip. Although at the present time there is no settlement in the immediate vicinity of the crossing and it would serve no public convenience as far as residents of the neighborhood are concerned, and the packing plants it would accommodate are not yet built, there seems to be a real necessity for it.

The crossing, as above stated, crosses in the center of the Southern Pacific's passing track. It appears, however, that this track is long enough to accommodate a freight train of average length on either side of the crossing and that it would be necessary only in unusual cases to "cut" a train across it, so the inconvenience which would be caused the Railroad Company would be slight. The nearest open crossing to the west, that on the county road previously mentioned, is protected by an automatic bell but it is obscured by buildings to such an extent that it is undoubtedly a very dangerous crossing and one which it would be difficult to make safe. We believe, from the testimony, that most of those

who would use the "C" Street crossing would otherwise use this county road crossing and that to open this street across the track would not increase the total hazard as "C" Street would be considerably safer than the crossing further west. In view of this fact and the need of the crossing this application should be granted. The "C" Street crossing is open and probably no protection would be needed here were it not that there will be occasions when freight trains will stand on both sides of it, thus obscuring the view of the main line. For this reason we believe an automatic flagman should be installed and there seems to be no reason why the Commission's usual custom should not be followed and require the County to pay for its installation.

O R D E R

MERCED COUNTY having applied to the Commission for permission to construct "C" Street at grade over the tracks of the Southern Pacific Company,

And a public hearing having been held and it appearing to the Commission that this application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the County of Merced be, and the same is hereby, granted permission to construct "C" Street at grade over the tracks of

the Southern Pacific Company at the point and in the manner shown by the map attached to the application, said crossing to be constructed subject to the following conditions:

1. The crossing shall be constructed of a width of not less than twenty-five (25) feet with grades of approach not exceeding three (3%) per cent. and shall in every way be made safe and convenient for the passage thereover of vehicles and other road traffic.

2. The entire expense of constructing this crossing, together with its maintenance thereafter up to a point within two (2) feet of the rails of the Southern Pacific Company, shall be borne by applicant.

3. The expense of maintaining the crossing between the rails and to a distance of two (2) feet outside thereof shall be borne by the Southern Pacific Company.

4. For the protection of this crossing there shall be installed an automatic flagman of a type approved by the Commission, and the expense of this installation shall be borne by applicant.

5. The expense of maintaining the automatic flagman thereafter in first-class operating condition shall be borne by the Southern Pacific Company.

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.

Dated at San Francisco, California, this 1st
day of July, 1916.

Marc Thelem
H. H. ...
...
Edwin O. Edgerston

Commissioners.