

ORIGINAL

Decision No. 4057

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
 the COUNTY OF MERCED for authorization)
 permitting the construction of a)
 highway crossing at grade over the) Application No. 2700.
 tracks of the Oakdale Branch of the)
 Southern Pacific Railroad, on the Yam)
 extension road.)
)

By the Commission,

O R D E R.

COUNTY OF MERCED, having on December 29, 1916, filed with the Commission an application for permission to construct a highway at grade across the tracks of the Oakdale Branch of the Southern Pacific Railroad Company on the Yam Extension Road in the southeast corner of Section 14, T. 7 S., R. 13 E., M.D.B. & M., Merced County, 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 permission has been granted by the Southern Pacific Railroad Company for 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 tracks, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, That permission be hereby granted the County of Merced to construct a highway at grade across the tracks of the Oakdale Branch of the Southern Pacific Railroad Company on the Yam Extension Road in the southeast corner of Section 14, T. 7 S., R. 13 E., M.D.B. & M., Merced County, California, described as follows:-

"Commencing at the point of intersection of the Westerly line of the right-of-way of the Oakdale Branch of the Southern Pacific Railroad Company's railroad with the Southerly line of the Atchison, Topeka and Santa Fe Railroad Company's right of way, the said

point being N. $21^{\circ}91'$ W. 304.4 feet from the corner to common of Sections 13, 14, 23 and 24, Twp. 7 S., R. 13 E., thence southeasterly along the southwesterly line of the above described Atchison, Topoka and Santa Fe Railroad Company's railroad 116.4 feet to the Easterly line of the right-of-way of the herein described Oakdale branch of the Southern Pacific Railroad Company's railroad; thence S. $1^{\circ}29'$ W. along said right of way 69.8 feet; thence northwesterly to a point on the west line of the aforesaid Oakdale Branch of the Southern Pacific Railroad Company's right of way 69.8 feet S. $1^{\circ}29'$ W. from the point of commencing; thence N. $1^{\circ}29'$ E. 69.8 feet to the place of commencing, containing 0.138 acres.

All of the above as shown on the 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 applicant.
- (2) The expense of maintaining the crossing up to a line two (2) feet outside the rails of the Southern Pacific Railroad Company shall be borne by the applicant. The expense of maintaining the crossing between the rails and to a line two (2) feet outside thereof shall be borne by the Southern Pacific Railroad Company.
- (3) The crossing shall be constructed of a width not less than twenty-four (24) feet, with grades of approach not exceeding four per cent, and shall be protected by a suitable crossing sign and in every way made safe for the passage thereover of vehicles and other road traffic.
- (4) The tree about 100 feet north of the Southern Pacific Railroad Company tracks and on the west side of the Yam extension road shall be removed by the applicant.

(5) 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 25th day of January, 1917.

Max Thelen

H. H. Howard

Chas. Gordon

Franz R. Decker

Commissioners.