

same county over the same railroad and were heard at the same hearing at Merced on November 7, 1919, they can be covered by one opinion and order.

The three applications cover crossings on parallel east and west roads one-half of a mile apart. On account of the angle at which the railroad runs through these sections, the crossings will be approximately eight-tenths of a mile apart. The most northerly crossing, applied for under Application No. 5042, will be about 4600 feet south of the public crossing at Cressy and the most southerly crossing, covered by Application No. 5041, will be about eight-tenths of a mile north of the crossing at Winton. The two existing public crossings mentioned are about three and one-quarter miles apart. The crossing applied for in Application No. 5040 is half way between these two public crossings and also half way between the other two crossings covered by these proceedings. In addition to the county roads dedicated every half mile through these sections, there is a road along the east side of the railroad right of way from Winton to Cressy. There are at present four private crossings west of this road between Cressy and Winton. The county roads running west out of Cressy and Winton lead to Livingston on the Southern Pacific Railroad. The road leading south out of Winton runs to Atwater on the Southern Pacific Railroad.

The County desires to open up these three crossings, in order to allow farmers east of the Santa Fe to reach towns on the Southern Pacific, and vice versa, to allow communication between the various farms in this vicinity, and to allow communication between these farms and the towns of Cressy and

Winton, without the necessity of long detours as required at present.

Testimony by the applicant shows that the crossing nearest Winton (Application No. 5041) is the one most needed and desirable at this time and that the necessity for the various crossings falls off as we travel toward Cressy. Applicant admits that there will be no necessity for the crossing applied for under Application No. 5040, the northerly crossing, for probably two years.

The railroad company objects to the granting of so many crossings with such short distances between them and believes that the County will be amply served by the center crossing (Application No. 5041), as county roads can be constructed to radiate from this crossing in six directions, as follows: west, northwest (parallel with railroad), north, east, southeast to Winton (parallel with railroad), and south. It would, however, be necessary to construct about 1000 feet of road to connect the crossing with the road running south through the center of Section 22. Four of these six radiating roads will cross other dedicated county roads every half mile, as Cressy Colony is laid out with dedicated county roads on all section and half section lines. The railroad company also desires that such crossings as the Commission sees fit to grant shall be constructed at right angles to the track and shall be equipped with automatic flagmen, on account of the high speed of its trains, which consist of three passenger and several freight trains each way daily.

All of these crossings are located in flat, open country, with no obstructions to the view, and travel over the

crossings will be light. Therefore, it does not appear necessary to install automatic flagmen at this time. If, on account of future growth of the country, the view at these crossings becomes obstructed on account of buildings, trees, crops, etc., or in case travel over them becomes heavy, automatic flagmen shall be installed at the expense of the county.

Although at first sight and from field inspection it appears that the center crossing might satisfy all present public needs, the testimony shows that this colony has recently been released from litigation and is being settled up rapidly. In a short time it would probably become necessary to open up the most southerly crossing covered by Application No. 5041, as applicant considers this crossing the most desirable at the present time. The most northerly crossing (Application No. 5042) does not appear necessary for some years.

It is recommended that Applications Nos. 5040 and 5041 be granted, subject to certain conditions, and that Application No. 5042 be denied;

O R D E R

COUNTY OF MERCED, having on October 10, 1919, filed with this Commission three applications for permission to construct three highways crossing the right of way and tracks of the Atchison, Topeka and Santa Fe Railroad at grade, between the Towns of Cressy and Winton in said county; a public hearing having been held, and it appearing to the Commission that Application No. 5041, covering the crossing situated on the one-half section line east and west through Sections 22 and 23,

T. 6 S., R. 12 E., and Application No. 5040, covering the crossing on the north line of Section 22, T. 6 S., R. 12 E., should be granted subject to certain conditions and that Application No. 5042, covering the crossing situated on the one-half section line east and west through Section 16, T. 6 S., R. 12 E., should be denied;

IT IS HEREBY ORDERED, That the County of Merced be and the same is hereby granted permission to construct two crossings at grade over the right of way and tracks of the Atchison, Topeka and Santa Fe Railroad, as applied for in Applications Nos. 5040 and 5041 and as shown on the maps attached to said applications; said crossings to be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossings shall be borne by the applicant. The expense of their maintenance thereafter in good and first-class condition, for the safe and convenient use of the public, shall be borne by the applicant, with the exception of those portions between the rails and two (2) feet outside thereof, which shall be borne by the Atchison, Topeka and Santa Fe Railroad.

(2) The crossings shall be constructed at right angles across the railroad rights of way and tracks.

(3) Said crossings shall be constructed twenty (20) feet in width, with grades of approach not exceeding six (6) per cent; shall be protected by suitable crossing signs, and in every way be made safe for the passage thereover of vehicles and other road traffic.

(4) If, in the future, the travel over these cross-

ings shall become heavy, or the view of the railroad tracks from the roads approaching the crossings shall become obstructed from any cause whatsoever, said crossings shall be protected by automatic flagmen to be installed at the expense of the County of Merced. The expense of maintaining the automatic flagmen after same have been installed shall be borne by the Atchison, Topeka and Santa Fe Railroad Company.

(5) The private crossings about 1000 feet south of the crossing covered by Application No. 5040 and the private crossing near the crossing covered by Application No. 5041 shall be closed after the public crossings have been constructed.

(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 Application No. 5042 be and the same is hereby denied without prejudice.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 28th day of November, 1919.

Edwin D. Egan
H. D. Lynd
H. T. Brundage
Erving Masten
Commissioners.