Decision No. 6984.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF

In the matter of the application of the COUNTY OF MERCED for authorization permitting the construction of a highway crossing at grade over the tracks of the Southern Bacific Railroad Company, on the Gustine-Los Banos Road. Section 2, being a part of Merced County permanent Highway System and situate in the Town of Volta.

Application No. 5198.

By the Commission.

ORDER

COUNTY OF MERCED having on December 18, 1919, filed an application with the Commission for permission to construct a highway crossing at grade over the tracks of the Southern Pacific Railroad Company, on the Gustine-Los Banos Road, Section 2, in the Town of Volta, County of Merced, State of California, and to abandon an existing crossing on the Range Line on the West line of Section 6, Township Ten South, Range Ten East, Mount Diablo Base and Meridian, as shown by the map attached to the application; and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the Southern Pacific Company has consented to the construction of the proposed crossing at grade; and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said railroad, and that this application should be granted subject to the conditions hereinafter specified:

IT IS HEREBY ORDERED, That permission be and the same is hereby granted the COUNTY OF MERCED to construct a highway crossing at grade over the tracks of the Southern Pacific Railroad Company, on the Gustine-Los Banos Road, Section 2, in the Town of Volta, County of Merced, State of California, and to abandon an existing crossing on the Range-Line on the West line of Section 6, Township Ten South, Range Ten East, Mount Diablo Base and Meridian, as shown by the map attached to the application; said new 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 expense of maintaining the crossing, with the exception of that portion between the rails and two (2) feet outside thereof, 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 Southern Pacific Company.
- (2) Said crossing shall be constructed of a width of not less than twenty-four (24) feet, with grades of approach not exceeding four (4) per cent; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.
- (3) 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 26 day of December, 1919.

Horder Court

Commissioners.