

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application )  
of Merced County for permission )  
to construct a county road at )  
grade across the Southern Pacific ) Application 5462  
Company's tracks on the center line )  
of Section 2, T. 7 S., R 13 E. )  
M.D.B. & M. )

Frank Pebley for Applicant.  
Frank B. Austin for Southern Pacific Company.

By the Commission.

O P I N I O N

This is an application under Section 2694 of the Political Code, for authority to establish a public road crossing at grade over the tracks of the Oakdale Branch of the Southern Pacific Company on the half section line running east and west through Sections 2 and 3, T. 7S., R 13 E. M.D.B. & M. about four miles north of Merced, California.

The proposed crossing is desired as an outlet for two or three ranchers living along the center line of this Section. Only one witness, a Mrs. Myrtle Oliver, appeared for the petitioners. It appears that Mrs. Oliver lives on lot 26 of Merced Acres. Lot 26 is located in the southwest quarter of the northwest quarter of Section two and faces the half section line. It does not extend through to the north line of Section 2.

At the present time there is a county road with a public crossing over the railroad on the north line of section two and another county road with crossing on the south line of section two. There is also a north and south dedicated county road along the west line of Section 2. This road gives access to the roads along the north and south lines of the section and thus across the railroad to the Merced-Oakdale road which runs along the east side of the railroad along the easterly line of section 2. It appears from the testimony that the company or syndicate which placed Merced Acres on the market promised settlers in Section two a road along the center line of the section and across the tracks of the Southern Pacific Company to the Merced-Oakdale road. Such a road has been dedicated to the county with the exception of the crossing which is now applied for.

Field investigation shows that there is no sign of a road along this half section line, that the land in the vicinity of the railroad is low and inundated by heavy rains, that the major portion of Section 2 appears to be in pasture and that there are no houses for about one mile west of the railroad. It seems unnecessary at this time to construct a public road along this half section line and across the railroad at the point desired as the people living on lot 26 or on the adjoining lots are but a very short distance from the north and south road along the west line of the section and thus have access to both the north and south as previously indicated. The application should be denied.

