

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application
of Board of Supervisors of Merced
County representing F. W. Henderson,
et al, petitioners, for authority
to construct a road across the tracks
of the Southern Pacific Company on
a line between Sections 13 and 14,
T. 8 S. R. 14 E., about one-half mile
south-east of Lingard, Merced
County, California.

Application 5445.

D. K. Thornton for Applicant.

Frank B. Austin for Southern Pacific Company.

BY THE COMMISSION.

O P I N I O N

In this application, filed under Section 2694 of the Political Code, Merced County seeks permission to construct a public road over the tracks of the Southern Pacific Company on the line between Sections 13 and 14, T. 8 S. R. 14 E., about one-half mile south-east of Lingard. A public hearing was held at Merced before Examiner Westover on May 19, 1920.

The proposed crossing is desired in connection with a projected county road some three-quarters of a mile long extending south from the state highway, which parallels the railroad right of way along its north-east line, between Sections 13 and 14 to the south line of said sections. This road would serve lands owned by F. W. Henderson, Amanda Russel, Thos. T. Givens and E. V. Givens.

The testimony shows that F. W. Henderson, Thos T. Givens and Amanda Russel, all have private crossings over the

railroad between their lands and the state highway. E. V. Givens, who owns land in the south-east quarter of Section 14 is the only owner without access to the highway. At the present time he is using the private road of Thos. T. Givens.

At the present time there is an open public road running south-west through north-west quarter of the north-east quarter of Section 14. This road turns and runs due west at the half Section line of Section 14. The engineering department of the Commission recommends that Mr. E. V. Givens, whose land faces the north and south half Section line of Section 14 be served by a roadway along this line as all of the other land owners mentioned above already have access to the state highway. A road laid out along the center of Section 14 as suggested would join the existing county road already described and would allow of Mr. Givens using an existing crossing. While the road proposed might not be quite as convenient to Mr. Givens as the road applied for it would do away with the hazard of an additional grade crossing on this heavily traveled high speed main line railroad and therefore appears preferable to the road desired. The application should be denied and a road built as suggested by the Engineering Department.

O R D E R

Board of Supervisors of Merced County having filed with the Railroad Commission a petition to said Board by certain residents, requesting the authority to open a public highway at grade across the tracks of the Southern Pacific Company on the north and south line between Sections 13 and 14, T. 8 S., R. 143 M. D. B. & M. about one-half mile south-

east of Lingard, Merced County, California; a public hearing having been held thereon and it appearing that a grade crossing at this point is not necessary for the use and convenience of the traveling public; that several local land owners in the vicinity of the proposed crossing are now served by private crossings and it further appearing that other owners and residents not so served can have access to the state highway by a road built north and south along the center line of Section 14, which road would join an existing roadway and crossing and therefore do away with the additional hazard created by the installation of the crossing desired;

IT IS HEREBY ORDERED, That the application be and the same is hereby denied without prejudice.

Dated at San Francisco, California, this 24th day of June, 1920.

H. D. Loveland
Frank R. Martin
Wm. J. Martin

Commissioners.