

Decision No. 8687.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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**ORIGINAL**

In the matter of the application of  
 the Board of Supervisors of the County  
 of Merced, State of California, for  
 permission to construct a public road at  
 grade across the tracks of the Atchison,  
 Topeka and Santa Fe Railway Company, on  
 the Calimyrna Drive near Merced. )

Application No. 6555.

By The Commission:

ORDER

The Board of Supervisors of the County of Merced, State of California, having on February 17, 1921, filed with the Commission an application for permission to construct a public road at grade across the tracks of Atchison, Topeka and Santa Fe Railway Company in said County, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the Atchison, Topeka & Santa Fe Railway Company has signified by letter that it has no objection to the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said tracks, and that the application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be hereby granted the Board of Supervisors of the County of Merced, State of California, to construct a street at grade across the tracks of the Atchison, Topeka & Santa Fe Railway described as follows, to-wit:

COMMENCING at the intersection of the Northerly line of the Railroad right of way of the Atchison, Topeka and Santa Fe Railway Company's railway with the North and South half Section line of Section Twenty-six (26) Township Seven (7) South Range Fourteen (14) East Mt. Diablo Base and Meridian; thence East along said right of way Twenty (20) feet; thence South parallel with said Section line One-Hundred (100) feet; thence West along the Southerly line of said right of way Forty (40) feet; thence North One-Hundred (100) feet; thence East Twenty (20) feet to place of beginning, containing 0.092 acres;

said 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 cost of its maintenance up to a line two (2) feet outside the rails 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 Atchison, Topeka & Santa Fe Railway Company.

(2) The crossing shall be constructed of a width not less than 24 feet and at an angle of 90 degrees to the railroad and with grade of approach not greater than four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) The installation of said crossing shall be made within one year from the date of this order unless further time is granted by subsequent order herein, and unless so completed within the time specified, the authorization herein granted shall lapse and become void.

(4) The Commission shall be notified in writing of the completion of the installation of said crossing within thirty (30) days thereof.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, main-

tenance and protection of said crossing as 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 31 day of March, 1921.

Frank D. Weller  
H. D. Lawrence  
H. B. Brundage  
Clara A. Lawrence

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Commissioners.