

ORIGINAL

Decision No. 2871.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
the Board of Supervisors of Merced
County for permission to construct
a public road at grade across the
track of the Southern Pacific Company
on the center line of Section 2, T. 7
S., R. 13 E., M.D.B. & M., in the County
of Merced, State of California.)
Application No. 7096.

M. Curtis, for Applicant.
Frank B. Austin, for Southern
Pacific Company.

By The Commission:

O P I N I O N

This is an application of the County of Merced filed under Section 2694 of the Political Code for permission to extend an east and west road along the center line of Section 2, T. 7 S., R. 13 E., M.D.B. & M., at grade across the Oakdale Branch of the Southern Pacific Company, about four miles north of Merced.

A public hearing was held on November 29, 1921, before Examiner Satterwhite, at Merced.

The proposed crossing would connect an east and west road along the center line of Sections 2 and 3, T. 7 S., R. 13 E., with the Cox Ferry Road, a main county thoroughfare, running north and south, located adjacent to and on the east side of the Oakdale Branch of the Southern Pacific Company. The purpose of this road

is to give direct access to the central portions of said Sections 2 and 3 in which there are two residences located close to the proposed road and approximately one mile west of the railroad. There are existing crossings over the railroad one-half ($\frac{1}{2}$) mile in each direction from the proposed crossing, these crossings being on roads along the northerly and southerly lines, respectively, of said Section 2. The testimony indicates that an outlet from the central portion of Section 2 may be had by means of a north and south road located along the west line of Section 2 connecting the proposed east and west road with the east and west road along the south line of Section 2. It was claimed that this road on the west line of Section 2 is in very poor condition and nearly impassable in the winter time, with the result that the two families living on the proposed road actually travel over private property to the road along the south line of Section 2. It thus appears that the establishment of the proposed crossing would be a convenience to two resident families and some non-resident property owners of Section 2, but sufficient public necessity and convenience to justify the establishment of this crossing midway between two existing crossings located only one mile apart, thus making three grade crossings within a distance of one mile, was not established.

The matter of establishing a crossing at this location was formerly before the Commission under Application 5462 and at that time, after a public hearing, the Commission rendered its Decision No. 7771, dated June 21, 1920, denying that application. The evidence presented in the present application does not indicate that conditions have sufficiently changed in the territory served to justify a different conclusion than was reached at that time and it, therefore, appears that the present application should be denied.

O R D E R

The Board of Supervisors of Merced County having filed an application for permission to construct an east and west road along the center line of Section 2, T. 7 S., R. 13 E., M.D. B. & M., at grade across the track of the Oakdale Branch of the Southern Pacific Company, a public hearing having been held thereon, the Commission being apprised of the facts, and the matter being under submission and ready for a decision,

IT IS HEREBY ORDERED, that the application be and it is hereby denied.

Dated at San Francisco, California, this 16th day of December, 1921.

H. B. ...
H. D. ...
Robert A. ...
M. D. ...

Commissioners.