

Decision No. 11617

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the County of Fresno, in the State of California, for permission to construct and maintain a public highway crossing at grade over the right of way and tracks of the Southern Pacific Railroad at Bullard Avenue in the said County.

Application No. 8412

In the matter of the application of the County of Fresno, in the State of California, for permission to construct and maintain a public highway crossing at grade over the right of way and tracks of the Southern Pacific Railroad at Shaw Avenue in the said County.

Application No. 8413

Ray C. Wakefield, for Applicant.

F. B. Austin, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In the above entitled applications the County of Fresno asked permission to construct two roads, approximately one mile apart, across the tracks of Southern Pacific Company, these roads being along the northerly and southerly lines, respectively, of Section 10, Township 13 South, Range 14 East, M.D.B. & M. These matters were consolidated on hearing before Examiner Satterwhite in Fresno, December 13, 1922.

The purpose of these crossings is to give access to the land formerly owned by Miller & Lux west of the railroad, which is now being subdivided and sold. The territory in this vicinity is flat and the view open and unobstructed. The land is generally

of an adobe nature and, because of this fact, roads which are not improved by paving or graveling are not satisfactory for traffic in wet weather. The County has improved the highway located along the easterly side of and adjacent to the railroad in this vicinity, with the result that all traffic desires to gain access to this highway as quickly as possible. The highway, however, crosses to the westerly side of the railroad approximately one mile north of the proposed Bullard Avenue crossing.

There are relatively few residents actually located in the territory which these crossings would serve. Bullard Avenue extends westerly from the railroad along the northerly line of Sections 7, 8, 9, and 10, but the first mile west of the railroad has not been oiled. Beginning at a point about a mile west of the track, this road has been improved by oiling for a distance of about one and one half miles west. Shaw Avenue extends westerly from the railroad along the southerly line of Sections 7, 8, 9 and 10, and has been oiled only for the first mile west of the railroad. In addition to a few scattered farm houses along Bullard Avenue and Shaw Avenue, there is a pumping station of the Standard Oil Company located near Shaw Avenue. There is a road known as Washoe Avenue extending north from Shaw Avenue along the westerly line of Sections 4 and 9 to Herndon Avenue which, in turn, connects with the County Highway after it has crossed to the west side of the track. It is therefore apparent that most of the residents of Section 4 could, by means of Washoe Avenue and Herndon Avenue, reach the County Highway nearly as directly as by Bullard Avenue and with the added advantage that, instead of crossing the railroad twice, no crossing of the railroad would be required in going to Firebaugh. The inconvenience, however, for a similar procedure by the residents along Shaw Avenue is sufficiently great, located as it is a mile further south of Herndon Avenue, as to justify the construction of the proposed crossing at Shaw Avenue and give these

people a direct outlet to the County Highway on the easterly side of the railroad.

The railroad over which it is proposed to construct these crossings is the main line of Southern Pacific Company on the west side of the San Joaquin Valley. There are operated over this track four high-speed passenger trains and ordinarily four freight trains daily.

There is a private crossing located approximately 800 feet southeasterly from the proposed Shaw Avenue crossing which should be closed upon the opening of Shaw Avenue across the railroad.

In view of all the testimony in these proceedings, we are convinced that the present development of this territory justifies the installation of a grade crossing at Shaw Avenue and permission for this will be granted, but that the time has not yet come when a crossing is justified at Ballard Avenue and the application for that crossing therefore will be denied.

O R D E R

The Board of Supervisors of the County of Fresno having made application for permission to construct Ballard Avenue (Application No. 8412) and Shaw Avenue (Application No. 8413), respectively, at grade across the tracks of Southern Pacific Company, a public hearing having been held, the Commission having been apprised of the facts and the matter being under submission and ready for decision,,

IT IS HEREBY ORDERED that the above entitled application relating to the construction of Ballard Avenue at grade across the track of Southern Pacific Company (Application No. 8412) be, and it is, hereby denied.

IT IS HEREBY FURTHER ORDERED that permission be, and it is, hereby granted the Board of Supervisors of the County of Fresno to construct Shaw Avenue at grade across the track of Southern Pacific Company in the location as described as follows:

Commencing at the point of intersection of the section line between Sections 10 and 15, Township 13 South, Range 14 East, M.D. B. & M., with the southwesterly right of way line of the Southern Pacific Railroad; running thence north $35^{\circ}37'$ west along the southwesterly right of way line of said railroad a distance of 36.35 feet to a point on the north property line of Shaw Avenue; thence north $88^{\circ}46'$ east along the proposed north property line of said avenue a distance of 121.17 feet to a point on the northeasterly right of way line of said railroad; thence south $35^{\circ}37'$ east along the northeasterly right of way line of said railroad, a distance of 72.70 feet to a point on the south property line of said avenue; thence south $88^{\circ}46'$ west along the proposed south property line a distance of 121.17 feet to a point on the southwesterly right of way line of said railroad; thence north $35^{\circ}37'$ west along the southwesterly right of way line of said railroad a distance of 36.35 feet to the point of commencement.

All of the above as shown by the map attached to Application No. 8413, 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 Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty four (24) feet and at an angle of fifty five (55) degrees and thirty seven (37) minutes 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 thereover of vehicles and other road traffic.

(3) The existing private crossing located approximately 813 feet southeasterly from the crossing therein authorized shall be abandoned and effectively closed.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the in-

stallation of said crossing.

(5) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) 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.

This order shall become effective fifteen (15) days after the making thereof.

Dated at San Francisco, California, this 6th day of February
January, 1923.

C. Shoup

Dring Martin

J. H. Whittier
Commissioners