

ORIGINAL

Decision No. 12328

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of Application )  
of Southern Pacific Company )  
for an order authorizing the )  
construction at grade of a side )  
track crossing Divisadero Avenue, )  
in the City of Fresno, County of )  
Fresno, State of California. )

Application No. 9173

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, having on June 29, 1923, filed with the Commission an application for permission to construct a side track at grade across Divisadero Avenue, in the City of Fresno, County of Fresno, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit (Ordinance 998) has been granted by Commission of said City of Fresno for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said Divisadero Avenue, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted Southern Pacific Company to construct a side track at grade across Divisadero Avenue in the City of Fresno, County of Fresno, State of California, described as follows:

COMMENCING at a point in the southerly boundary line of Divisadero Street 22 feet, more or less, easterly from, measured at right angles to center line of Central Pacific Railway Company's main line at Engineer Station 5876 plus 30; said Engineer's Station being located northerly 89 feet measured along said railroad center line from East and West 1/4 section line of Section 4, Township 14 S., Range 20 East, Mount Diablo Base & Meridian; thence in a northerly direction 62 feet, more or less, to an intersection with the northerly boundary line of said Divisadero Street westerly 33 feet, more or less, from aforesaid center line of Central Pacific Railway Company's main line at Engineer Station 5875 plus 70.

All of the above as shown by the map (San Joaquin Division Drawing A-1609) attached to the application; said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of said street now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding one (1) 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) The authorization herein granted for the installation of said crossing shall lapse and become void one year from

the date of this order unless farther time is granted by subsequent order.

(5) 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 three (3) days after the making thereof.

Dated at San Francisco, California, this 7<sup>th</sup>  
day of July, 1923.

W. A. Seaver  
H. B. Brundage  
David Martin  
Egerton Shore

Commissioners.