

Decision No. 13344.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of)
SOUTHERN PACIFIC COMPANY for an)
order authorizing the construct-)
ion at grade of a spur track) Application No. 9854.
across San Benito Avenue, in the)
City of Fresno, County of Fresno,)
State of California.)

BY THE COMMISSION:

O R D E R

SOUTHERN PACIFIC COMPANY, a corporation, filed the above entitled application with this Commission on the 5th day of March 1924, asking for authority to construct a spur track at grade across San Benito Avenue in the City of Fresno, County of Fresno, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 993) has been granted by the Commission of said City for the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to avoid a grade crossing with said San Benito Avenue at the point mentioned in the application, and that this application should be granted subject to the conditions hereinafter specified.

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

Commencing at a point in the southerly line of San Benito Avenue, which point is distant 145.4 feet westerly from the intersection of the westerly line of P Street with said southerly line of San Benito Avenue; thence northerly at right angles to said southerly line of San Benito Avenue a distance of 80 feet to a point in the northerly line of San Benito Avenue and distant 141-1/2 feet westerly from the intersection of the westerly line of P Street with the northerly line of San Benito Avenue.

All of the above as shown by the map (Drawing A-2240 San Joaquin Division) 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 two(2) 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) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further 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 29th day of March, 1924.

O. Sweeney
H. B. ...
Dwight Martin
Egerton ...
J. Whitley
Commissioners.