

Decision No. 13497

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of )  
the City of Parlier for a permit to )  
construct and maintain a public )  
highway crossing at grade over the )  
right of way and tracks of The Atchi- )  
son, Topeka and Santa Fe Railway at )  
J Street, in said city. )

Application No. 9658.

**ORIGINAL**

Chas. A. Hill, for Applicant.

J. W. Walker and E. F. Lucy, for The Atchison,  
Topeka and Santa Fe Railway Company.

BY THE COMMISSION:

O P I N I O N

In this application the Board of Trustees of the City of Parlier requests permission to construct "J" Street at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company in the City of Parlier, County of Fresno, State of California.

A public hearing was held on this application before Examiner Satterwhite, at Parlier, February 21, 1924.

The branch line of The Atchison, Topeka and Santa Fe Railway Company between Fresno and Visalia passes through the City of Parlier in an easterly and westerly direction. The streets of Parlier are laid out parallel to and at right angles with the tracks.

The city in the vicinity of the railroad is five blocks

or about two thousand feet in width extending from Tarn Avenue on the west to Manning Avenue on the east. Both Tarn Avenue and Manning Avenue are county roads that cross the railroad at grade and between these two county roads there are no public crossings.

"J" Street, the main north and south business street is located two blocks east of Tarn Avenue and extends two blocks north of the railroad and several blocks south. It is this street that it is proposed to construct at grade across the railroad.

A new high school has been constructed at the end of "J" Street two blocks north of the railroad. In addition to this high school, the town is building up north of the tracks. It appears that the tendency of the town is to grow northward.

The west end of the station building at Parlier projects about thirty feet into J Street extended across the railroad reservation. This projection consists largely of an open porch and about six feet of the main building. To construct and use the crossing it would be necessary to remove this portion of the building. The view of approaching trains would be bettered by moving the entire building from the proximity of the crossing.

It appears that a public crossing is a necessity to the people of Parlier to connect the high school and the residential district north of the railroad with the business district and public school on the south.

There now exists a private crossing one block east of "J" Street approximately on the line of "I" Street. A public crossing could be located at this point at less total cost than at the "J" Street location as there would be no building or part of a building or switch to be moved and the view of approaching

trains would be materially better.

There are then two available locations for a public crossing, namely, either "J" Street or "I" Street. If the crossing were to be constructed at "J" Street it will be necessary to move the depot or cut it off to make room for the crossing and also to move a switch that now is located approximately in the center of the crossing. On the other hand by locating a crossing at this point, the people of Parlier would have a direct route between the high school and the south part of the city. "J" Street is the most important business street in the city. There is therefore a decided advantage in having a public crossing located at this street.

At the "I" Street location physical conditions are more favorable for a crossing there being no buildings or switches that would have to be moved. The view of approaching trains would be somewhat better than at the "J" Street location. The business district of a town or city is the center to which all its residents of necessity must go. Even in going from one part of the city to another they will usually have some necessary reason in going through the business district. If the crossing were constructed at the "I" Street location, almost every one will be inconvenienced by going east from "J" Street one block to cross the railroad and then returning west one block to get back to "J" Street. This not only increases the distance of travel but requires four right angle turns which will slow down traffic and tend to increase congestion.

It appears that the traveling public will be better served by a public crossing at "J" Street than it would be by a crossing at "I" Street and that the excess cost of constructing the crossing at "J" Street is justified.

The map filed with the application indicates that the tracks are to be lowered about one foot to meet the grade line

established by the city. This would create a depression in the grade of the tracks that does not appear to be necessary to construct the crossing. The street grade over the railroad reservation should be changed to conform to the tops of rails as now constructed.

After considering all the evidence presented it appears that public convenience and necessity require that "J" Street be constructed at grade across the railroad and that this application should be granted.

All the parties to this proceeding were of the opinion if the "J" Street crossing is constructed, that it should be protected by an automatic flagman. Under the circumstances it seems equitable that the applicant should bear the expense of constructing the crossing including the moving of one switch, the cost of installing an automatic flagman and the cost of removing that part of the depot which is located within the limits of the crossing, should be borne by this applicant, and if all the building is moved, the excess cost should be borne by the railroad.

#### O R D E R

The Board of Trustees of the City of Parlier having made application for permission to construct a public street at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company at "J" Street, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the Board of Trustees of the City of Parlier, County of Fresno, State of California, to construct "J"

Street at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company as shown by the map attached to the application, subject however, to the following conditions:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

(2) The crossing shall be constructed of a width not less than thirty (30) feet and at an angle of ninety (90) degrees to the railroad, with grades of approach not greater than two (2) per cent, and with surface of pavement flush with the tops of rails as now constructed; 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 expense of removing and relocating that portion of the station building situated upon the crossing shall be borne by the applicant and should the railroad company elect to remove and relocate the entire building, the applicant shall contribute six hundred dollars to the cost of removing and relocating the entire building.

(4) An automatic flagman shall be installed for the protection of said crossing at the sole expense of applicant, said automatic flagman to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said flagman shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

(5) The existing private crossing located approximately one block east from "J" Street shall be effectively closed to

public use and travel.

(6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(7) 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.

(8) 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 ten (10) days from the making thereof.

Dated at San Francisco, California, this 1st day  
of <sup>May</sup> ~~April~~, 1924.

Ol Leary

Dwight Martin

J. M. Whittier  
Commissioners.