

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
the CITY OF FRESNO, a municipal cor- )  
poration, for permission to construct )  
grade crossings in the City of Fresno )  
at the intersection of an un-named )  
street therein with the Southern )  
Pacific Railroad Company's Friant )  
Branch and an industrial track of The )  
Atchison, Topeka & Santa Fe Railroad. )

**ORIGINAL**

Application No. 9885

W. E. Simpson, City Attorney of Fresno, for applicant.  
F. W. Mielke, for Southern Pacific Company,  
L. J. Haney for Atchison, Topeka and Santa Fe Railway  
Company.

WHITTIERSEY, COMMISSIONER:

O P I N I O N

In this application the City of Fresno asks permission to construct an unnamed street at grade across Southern Pacific Company's Friant Branch and three spur lines of The Atchison, Topeka and Santa Fe Railway Company in the City of Fresno, County of Fresno.

A public hearing was held on this application in Fresno, May 9, 1924.

The unnamed street involved in this proceeding is located between Parallel Avenue and the main line of the Santa Fe railroad, and extends from Ventura Avenue southerly some 2500 feet to an intersection with Parallel Avenue. This street if opened across the railroads, would offer an outlet to a rather large tract of ground favorably situated for industrial sites. In the past access to this property has been had across private property. The major portion of the property to be benefited by the proposed street opening is owned by the Santa Fe, and that Company has dedicated

to the City of Fresno for street purposes, the property included in the unnamed street.

Southern Pacific Company appeared to oppose the granting of the proposed grade crossing over their Friant Branch, contending that the tract adjacent to the unnamed street could adequately be served without crossing their track, by different street arrangements than the one proposed herein, and that public convenience and necessity does not justify the hazard incident to the construction of the proposed crossing over their line. It was suggested by Southern Pacific Company that the district east of their track and adjacent to the unnamed street be served by constructing a street from Parallel Avenue to the unnamed street in the vicinity of El Monte way extended southerly, without the construction of a grade crossing over their line. If this plan were carried out, however, the unnamed street would dead end at the Southern Pacific track from either direction; also this arrangement would require that all vehicular traffic between the business center of Fresno and points on the unnamed street travel some seven hundred feet further than would be required if this street were opened as applied for herein.

The evidence shows that the opening of the unnamed street would greatly facilitate the fire department in handling any fires that might originate between Santa Fe Avenue, Ventura Avenue and Parallel Avenue, through which tract the unnamed street divides in approximately equal parts. It was pointed out that Santa Fe Avenue is built up almost solid with industries on the northerly side between Butler Avenue and Ventura Avenue, a distance of approximately one-half mile; and that the opening of the proposed street would give access to the fire department to the rear of these buildings, whereas at present the fire department has access only to the Santa Fe Avenue side of the buildings.

Due to the fact train movements over all tracks involved

herein are infrequent and at slow rates of speed, no protection other than the usual crossarm sign appears necessary at this time.

From the evidence it appears that public convenience and necessity require the granting of this application.

The following form of order is suggested:

### O R D E R

The City Commission of the City of Fresno, County of Fresno, State of California, having filed an application with the Commission asking for authority to construct an unnamed public street at grade across the Friant Branch of Southern Pacific Company and three spur lines of The Atchison, Topeka and Santa Fe Railway Company, a public hearing having been held, the matter having been submitted and ready for decision,

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the City of Fresno, County of Fresno, State of California, to construct an unnamed street at grade across the Southern Pacific Company's Friant Branch, as shown by the map (No. 7-20-70) attached to the application, said crossing to be constructed subject to the following conditions, namely:

(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 crossings between lines two (2) feet outside of the outside rails 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 approximately forty-one (41) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

IT IS HEREBY FURTHER ORDERED, that permission and authority be and it is hereby granted to the City of Fresno, County of Fresno, State of California, to construct an unnamed street at grade across three spur tracks of The Atchison, Topeka and Santa Fe Railway Company, as shown by the map (No.V-20-70) attached to the application, said crossings to be constructed subject to the following conditions, namely:

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

(2) The crossings shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the said spur tracks and with grades of approach not greater than two (2) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

IT IS HEREBY FURTHER ORDERED that permission and authority herein granted is subject to the following conditions, namely:

(1) Applicant shall within thirty (30) days thereafter notify this Commission in writing of the completion and the installation of said crossings.

(2) If said crossings 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.

(3) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 5<sup>th</sup> day of June, 1924.

*C. Seaver*

*H. B. Lundquist*

*Irving Martin*

*J. T. Whittney*  
Commissioners.