

Decision No. 13796.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of The Atchison, Topeka and Santa)
Fe Railway Company, a corporation,)
for authority to realign and re-)
locate an existing spur track over)
and across Ventura Avenue in the)
City of Fresno, County of Fresno,)
State of California.)

ORIGINAL

Application No. 10,251

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 7th day of July, 1924, asking for authority to realign and relocate an existing spur track at grade across Ventura Avenue in the City of Fresno, County of Fresno, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No.16) has been granted by the Commission of said City of Fresno 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 provide a separated grade crossing at the point mentioned in this application, or to avoid a grade crossing with said Ventura Avenue 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 The Atchison, Topeka and Santa Fe Railway Company to realign and relocate an existing spur track at grade across Ventura Avenue in the City of Fresno, County of Fresno,

State of California, as follows:

"Commencing at a point in the northwesterly line of Ventura Avenue, distant 29.83 ft. southwesterly from the northeasterly line of Alley in Block 157, thence southeasterly on a 10° 00' curve concave southwesterly 141.16 ft. to a point in the alley in Block 158, distant 12.5 feet southwesterly from the northeasterly line of said alley, thence southeasterly parallel with and distant 12.5 feet from said northeasterly line of alley, 110 feet to the southeasterly line of the alley running northeasterly through Block 158."

subject, however, to the following conditions:

All of the above as shown in red on the map (Division Engineer's Drawing No.A.3773) 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 Ventura Avenue 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.

IT IS HEREBY FURTHER ORDERED that the existing crossing of

Ventura Avenue by spur track shown by broken yellow line on the map attached to the application, shall be removed and that portion of Ventura Avenue occupied by the crossing to be removed shall be reconstructed to conform to adjoining portion of said Avenue.

IT IS HEREBY FURTHER ORDERED that 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 10th day of July, 1924.

C. Seaver
H. B. Brundage
I. W. Martin

Commissioners.