

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of the)
Town of Fowler for permission to estab-)
lish a grade crossing across the right)
of way and tracks of the Central Pacific)
and the Southern Pacific Railroad)
Company, at Fowler, California.)

Application No. 10,162.

Arthur Allyn, City Attorney for applicant.
F. W. Mielke, for Southern Pacific Company
and Central Pacific Railway Company.

MARTIN, COMMISSIONER:

O P I N I O N

In the above entitled application the Town of Fowler seeks permission to construct Peach Street at grade across the tracks of Southern Pacific Company in Fowler, Fresno County, California.

A public hearing was held in this matter at Fowler, September 25, 1924.

Fowler, which has a population of approximately 2000, is located some nine miles southeast of the City of Fresno. Merced Street is the principal east and west street of the town, while 5th Street is the principal north and south street. Southern Pacific Company's tracks pass through Fowler in a northwesterly and southeasterly direction, and are located between 7th and 8th Streets. Eighth Street is paved and is the route of the State highway running parallel to and 200 feet westerly from the railroad. With respect to area, the tracks divide the town into about equal parts; the business center and the greater part of the development of the town, however, is east of the tracks. The present grade crossings in Fowler named in the order of their location, beginning with the most northerly one, are as follows: Adams Street, Mariposa Street, Merced

Street and Vine Street. The respective distance between these crossings are approximately as follows: 1550, 960 and 1440 feet. The Peach Street crossing proposed herein is located 960 feet southerly from the existing crossing at Vine Street. Southern Pacific Company's track crosses the east boundary of Fowler at a point approximately 750 feet southerly from the proposed Peach Street crossing.

Fowler is surrounded by fertile agricultural land where large quantities of grapes are grown. There are a number of packing houses adjacent to Southern Pacific Company's tracks. The evidence shows that the crossing proposed herein is primarily to serve a packing house located between 6th and 7th Streets and south of Peach Street. Under the present conditions northbound vehicular traffic on the State Highway south of Peach Street desiring to reach this packing house is required to travel north to the crossing at Vine Street, a distance of 960 feet. This packing house handles about 5000 tons of fruit per year, the greater portion of which is grapes. Practically all of the grapes are hauled to the plant in trucks and the cured raisins shipped out by rail, as this plant has a spur connection to Southern Pacific Company. There is a private crossing over Southern Pacific Company's tracks at a point about 100 ft. south of the proposed crossing at Peach Street. This private crossing has been used for over twenty years by vehicular traffic in getting to and from the said packing plant on Peach Street. The old road leading to this private crossing on the west side of the track was blocked by the construction, in 1921, of the Standard Oil Company's filling station, located on the State Highway south of Peach Street. The present traveled road leading to this private crossing west of the track is over railroad property which is not graded and passable only to light vehicles.

In addition to accommodating vehicular traffic to the

said packing plant on Peach Street, the evidence shows that the general public would to a small extent only, use the proposed crossing, if constructed, in getting to and from the business center of Fowler. The Vine Street crossing is favorably situated to meet the public needs of nearly all the town traffic that would use the proposed crossing at Peach Street.

Southern Pacific Company appeared to oppose the granting of this application on the ground that it would be of little service to the general public and would, to a certain extent, interfere with the present and future operation of their railroad property, in addition to creating an unnecessary hazard. There are eight passenger trains and four freight trains normally operated over this track per day in addition to extra trains. These trains are operated at fairly high rates of speed in the vicinity of Peach Street.

After due consideration of all the evidence presented, it does not appear that public convenience and necessity justify the granting of this application. It is evident the crossing would serve a convenience to certain vehicular traffic in getting to and from a packing plant on Peach Street, in addition to some local traffic to and from the business center of Fowler. This town traffic, however, is not great and it does not appear to be a hardship for it to use the existing crossing at Vine Street. As for the traffic to the packing house, negotiations are now under way to improve the present private crossings, or establish one at a new location.

The following form of order is recommended:

O R D E R

Hearing having been held on this application, and the matter standing submitted for reasons set forth in the foregoing Opinion,

IT IS HEREBY ORDERED, that the above entitled application be and the same hereby is denied, without prejudice.

This Order shall become effective twenty (20) days after 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 17th day of November, 1924.

Cl Seavey
W. A. Chandler
Irving Martin
Egerton Shore

Commissioners.