

Decision No. 15-764.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the County of Fresno, State of California, for a permit to construct and maintain a public highway crossing at grade over the right of way and tracks of the Southern Pacific Railroad at Stroud Avenue in the said County.

ORIGINAL

Application No. 11440.

C. M. Ozias, Deputy District Attorney for
County of Fresno - Applicant.

H. W. Hobbs, for Southern Pacific Company -
Protestant.

BY THE COMMISSION:

O P I N I O N

This is an application by the County of Fresno to construct a public road crossing at grade over the main line track of Southern Pacific Company, approximately one-half mile north of Kingsburg. At the hearing, which was held at Fresno on September 11th, 1925, before Examiner Satterwhite, Southern Pacific Company appeared and protested the granting of the application.

Stroud Avenue, the street it is proposed to open, is an unimportant country road extending along the east and west center line of Sections 21 and 22 in Township 16 S. Range 22 E. Altogether a total distance of one and a half miles is open to travel but less than one-half mile is what might be termed good road. The remainder is simply dirt farm road, which has not as yet been made a public thoroughfare.

At the point of crossing, which is near the center of Section 22, the railroad is paralleled by the State Highway and

there is at present a private crossing connecting with one of the unimproved portions of Stroud Avenue east of the railroad. About one-half mile east of the crossing this private road connects with the Sanger-Kingsburg road, an improved County Highway leading north from Kingsburg. It is proposed to make this a public road and to this end permission to establish a public crossing at the site of the existing private crossing is requested.

There does not appear to be any considerable public demand for this road. But one property owner appeared at the hearing and he testified that he would not use the crossing. Of the five property owners fronting on the private road which it is proposed to make public, but two at present use it as a means of ingress and egress to their property, the others having other ways of reaching public roads. One of the owners of property required for the proposed road is nonconsenting. It is claimed that the opening of the crossing would prove a benefit to certain residents west of the highway desiring to reach the Sanger-Kingsburg road but there does not appear to be any considerable amount of this traffic.

A careful consideration of such evidence as the County offers in this proceeding fails to reveal any substantial necessity for a public grade crossing at this point and the application will therefore be denied.

O R D E R

County of Fresno, having applied to the Commission for permission to construct a crossing at grade of an avenue in Section 22, T. 16 S. R. 22 E. M. D. B. and M. across the track of Southern Pacific Company, a public hearing having been held, the matter having been duly submitted and now ready for decision, for the reasons

stated in the foregoing opinion.

IT IS HEREBY ORDERED, that the above entitled application
be and the same is hereby denied.

For all other purposes the effective date of this order
shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 16th day of
December, 1925.

H. B. Brundage

C. L. Leavelle

George D. Squires

Commissioners.