

Decision No. 16565.

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 Hanford & Summit Lake Railroad Company at a point commencing on the south side of Mt. Whitney Avenue and extending south-erly across the main line and the switch track of said railroad company immediately south of said main line.

ORIGINAL

Application No. 12,439.

C. M. Ozias, Deputy District Attorney,
for the County of Fresno.
H. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

This is an application by the County of Fresno for permission to open a public crossing at grade across the tracks of the Southern Pacific Company on a north and south road through the center of the northwest 1/4 of Section 25, Township 17 South, Range 19 East, in the Town of Riverdale. A public hearing was held at Fresno before Examiner Austin on March 30, 1926, at which time the matter was submitted.

The Town of Riverdale is located approximately 22 miles south and west of the City of Fresno on what was formerly the Hanford and Summit Lake Railway Company, now owned by the Southern Pacific

Railroad Company and operated by Southern Pacific Company.

The town is divided into two portions by Mt. Whitney Avenue, a main east and west highway running between the towns of Laton and Lanare. The railroad right-of-way is adjacent to the southerly side of Mt. Whitney Avenue. At the half-section line of Section 25, the railroad curves to the south paralleling the easterly side of the southwest 1/4 of Section 25. The business section of Riverdale is situated on the north side of Mt. Whitney Avenue in the southwest corner of Section 24. The Riverdale High School is located on the north side of Mt. Whitney Avenue near the middle of the southeast 1/4 of Section 24. The grammar school is located on the north side of Mt. Whitney Avenue at the southwest corner of the southeast 1/4 of Section 23.

A subdivision of some six blocks, devoted to industries and residences, is located on the south side of the railroad in the northeast 1/4 of the northwest 1/4 of Section 25. There are, at the present time, three public crossings connecting this residence section with Mt. Whitney Avenue, viz: at Ivy Avenue, Florence Avenue and Valentine Avenue. There is also a public crossing at Braley Avenue on the west line of Section 25, about 1800 feet west of Ivy Avenue which is about 580 feet east of the crossing applied for. There is, at the present time, a private crossing located at the site of the crossing applied for in this proceeding, which serves the Southern Pacific Company's stock corrals and four houses located on the road leading south from the crossing. The record shows that the stock corral projects 18.3 feet into the easterly 1/2 of the 60-foot road which the County proposes to construct if this application is granted. If this road were constructed, it would be necessary to cut off and rebuild this westerly end of the stock corrals.

The residence subdivision of six blocks, above mentioned, is divided by an east and west road, called First Avenue, located one block south of Mt. Whitney Avenue, which connects all of the north and south roads in the subdivision. The subdivision is bounded on the southerly side by Burrough Ditch. One residence is located south of this ditch.

The two blocks adjacent to the road connected to Mt. Whitney Avenue by the private crossing contain nine houses, excluding the one south of the ditch. Five of these houses are equally well served by the crossing at Ivy Avenue, leaving four to be served by the proposed crossing. The record shows that the private crossing and the road thereto are very narrow and in poor condition and the approaches to the crossing are abrupt and rough.

First Avenue is well graveled and in good condition, as are Ivy, Florence and Valentine Avenues. The record shows that practically all of the traffic from this subdivision tends to go in an easterly rather than in a westerly direction, as the business section of Riverdale, the main road to Fresno, and the High School are all east of the proposed crossing. The record shows that it was also proposed to move the Riverdale Grammar School from its present location, $3/4$ of a mile west of the crossing under consideration either to a point on Florence Avenue about three blocks north of Mt. Whitney Avenue, or to the vacant pasture land immediately west of the road serving the crossing which it is proposed to open. The former site would appear to require a less number of children to cross the railroad and the main highway than the latter.

The traffic on all of the roads from Braley Avenue to Valentine Avenue is rather light. The traffic check taken by the Southern Pacific Company on Tuesday, January 26, 1926, between the hours of 6:00 A.M. and 6:00 P.M., shows the following results:

	<u>Autos</u>	<u>Trucks</u>	<u>Pedes- trians</u>	<u>Horse Drawn</u>	<u>Bicycles</u>	<u>Misc.</u>
Braley Avenue	33	16	16	1	-	2
Private Crossing	11	-	19	1	20	1
Ivy Avenue	29	10	24	3	8	1

The Southern Pacific Company operates one mixed train daily over these crossings.

The Southern Pacific Company opposed the opening of the proposed crossing, claiming that there were already too many crossings in this vicinity, there being six in a distance of one-half mile.

Assistant Division Engineer of Southern Pacific Company, E. T. Langdale, recommended that if the proposed crossing were opened, the crossing at Ivy Avenue be closed for the reason that cars spotted on spurs crossing Ivy Avenue obstructed the view of the main line and for the further reason that the grades of approach on the Ivy Avenue crossing are the steepest of any in this vicinity. It appears from the record that the Town of Riverdale is already adequately served by the public crossings already in existence and that additional public crossings are unnecessary and not required by public convenience and necessity.

It appears, however, that the opening of the crossing proposed would more adequately and safely serve the residents of the tract on the south side of the railroad than would the Ivy Avenue crossing, which is only 578 feet distant and but 380 feet from the Florence Avenue crossing. The opening of the private crossing as a public crossing, as herein prayed for, and the closing of the Ivy Avenue, would make one less crossing in this vicinity, which is in the interests of safety. It would therefore appear that the application should be granted providing the Ivy Avenue Crossing be closed. The cost of constructing new crossings is generally assessed to the applicant, but the closing of the Ivy Avenue crossing would eliminate certain operat-

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ing inconveniences to the railroad and it therefore seems reasonable to assess a portion of the cost of constructing the new crossing and of removing the Ivy Avenue Crossing to the Southern Pacific Company.

O R D E R

The County of Fresno, having on January 15, 1926, made application for permission to open a public road across the tracks of the Southern Pacific Company in the Town of Riverdale in said County, 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 be and it is hereby granted to the County of Fresno, State of California, to construct and maintain a public road at grade across the tracks of Southern Pacific Company in the Town of Riverdale in said County, as shown on the map attached to the application, said crossing to be constructed subject to the following conditions and not otherwise:

(1) Said crossing shall be made an open public crossing only upon condition that the crossing at Ivy Avenue be closed to public travel.

(2) The entire expense of constructing the crossing, including cost of remodeling stock corral and of closing the Ivy Avenue Crossing shall be borne equally by applicant and Southern Pacific Company. The cost of maintenance of said crossings 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 Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(3) The crossing shall be constructed of a width not less

than twenty (20) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than five (5) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; 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.

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

(5) 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.

(6) 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 26th day of April, 1926.

H. B. Brundage
C. E. Leary

Leon A. Wall

Commissioners.