

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 Company at a point 581  
feet southeasterly from the intersection  
of said railroad with the north line of  
Section 22, in Township 16 South, Range  
22 East, Mount Diablo Base and Meridian.

Application No. 12660.

C. M. Ozias, Deputy District Attorney, for  
Applicant.

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, in which permission is sought to construct and maintain a public highway, known as Kamm Avenue, across the main line tracks of the Valley Line of Southern Pacific Company. The crossing is situated about 600 feet southeast of the north line of Section 22, Township 16 South, Range 22 East, M.D.B. & M.

A public hearing was held in Fresno on May 28th, 1926, before Examiner Austin, at which time the matter was submitted.

The Southern Pacific Company's tracks extend in a northeasterly and southwesterly direction through Section 22 and are paralleled on their southwesterly side by the State Highway. The Town of Kingsburg is located in Sections 26 and 27 and adjacent to the southeast corner of Section 22. Kamm Avenue is an east and west road, connecting Caruthers, on the west side of Fresno County, east to the vicinity of Reedley on the easterly side of the County. Bethel Avenue is a

north and south road running along the west side of Section 22. Kamm Avenue, Bethel Avenue and the railroad tracks intersect very nearly in a common point but owing to the location of a rather deep ravine which crosses the railroad at right-angles near this intersection, these roads have been detoured slightly on the easterly side of the railroad, so that they cross the railroad and enter the State Highway approximately 1,040 feet apart.

The Bethel Avenue Crossing is an open public crossing constructed at right-angles to the railroad; it is in good condition and in open country with very little obstruction to the view. There is a small knoll on the railroad right-of-way to the north of this crossing but a roadway has been cut through this knoll along the easterly side of the right-of-way fence, which gives an open view of the railroad track for a long distance. In addition, Bethel Avenue approaches the track from the east from high ground which enables one to see the entire surrounding country. However, this crossing suffers from the same additional hazard which is common to all crossings entering important heavily travelled highways, which are parallel and adjacent to railroad rights-of-way, on the opposite side of the railroad from the county road entering them.

At a point about 425 feet east of the railroad track, Kamm Avenue turns south for about 400 feet and connects with a right-angle private crossing of the railroad. This private crossing is equipped with gates and private property signs. It is this crossing which the County desires in this proceeding to construct as a public crossing. There are some eleven houses located along Kamm Avenue between this crossing and the Selma-Kingsburg Road, which runs north and south along the east line of Section 22. The residents along this mile of road thus have two entrances into Kingsburg, one easterly along Kamm Avenue and southerly along the Selma-Kingsburg Road, a distance of about one and three-eighths miles, on the average,

and the other westerly along Kamm Avenue across the railroad to the State Highway and then southeasterly along the highway into Kingsburg, a distance of almost two miles. The westerly route, however, is the only short route via the State Highway into Fresno.

The Southern Pacific Company objects to the opening of this crossing as a public crossing and takes the position that a public crossing can be avoided by building a connecting road, by connecting the right-angle turn in Kamm Avenue, hereinbefore mentioned as being 425 feet east of the railroad, with Bethel Avenue, at a point where the latter turns to enter the railroad right-of-way. This would require the construction of 800 feet of new road, which would cross the ravine, which is some ten or twelve feet deep, and some intervening low land.

The traffic count taken by the Southern Pacific Company on April 17th, from 6:00 A.M. to 6:00 P.M., shows but 36 vehicles using the Bethel Avenue crossing and 30 vehicles using the private crossing during that period. It is obvious that a single crossing could easily handle all of the traffic in this vicinity. Residents of Kamm Avenue, appearing as witnesses for applicant, testified that this proposed road would be as satisfactory to them and serve the public equally well as the establishment of a public crossing at Kamm Avenue. The number of these residents in the first mile east of the railroad would appear to entitle them to a westerly outlet across the railroad and under ordinary circumstances, if no other crossing existed nearby, the Commission would be justified in authorizing a grade crossing at Kamm Avenue. However, it appears more sensible in this case, on account of the proximity of the Bethel Avenue Crossing, to construct the road proposed by the Southern Pacific Company and to close the existing private crossing at Kamm Avenue. It is to the benefit of the railroad company to keep the number of grade crossings in any given locality down to a minimum and in order to do so in this vicinity, it would seem reasonable

that the Southern Pacific Company could well afford to participate in the cost of the construction of this proposed road.

Consideration of all of the evidence in this proceeding leads the Commission to believe this application should be denied without prejudice.

O R D E R

Public hearing having been held on the above entitled application and the matter now standing submitted and being ready for decision,

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

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.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 2<sup>d</sup> day of July 1926.

H. B. Roundidge

C. C. Secary

Ernest W. ...

Commissioners.