

Decision No. 17231

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 WHITNEY
Road in the said County.

ORIGINAL

Application No. 12614.

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of Fresno, State of California, filed the above entitled application with this Commission on the 9th day of March, 1926, asking for authority to construct a public road at grade across the track of Southern Pacific Company in said County, as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to 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 grade separation or to avoid a grade crossing with said track at the point mentioned in this application, 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 Board of Supervisors of the County of Fresno, State of California, to construct a public road at grade across the track of Southern Pacific Company at the point where the dividing line between Sections 35 and 36 in T. 20 S., R. 15 E., M.D.B. & M. crosses said track, and as shown by the map attached to the application, said crossing to be constructed subject to the

following conditions, namely:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of said crossing 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.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of Ninety (90) degrees to the railroad and with grades of approach not greater than one (1) 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 suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) The existing public crossing, located approximately one-half mile west of the crossing herein authorized, shall be legally abandoned and effectively closed to public use and travel.

(4) The existing public crossing, located approximately one and three-quarters miles east of the crossing herein authorized in the vicinity of Mile Post 263 on said railroad, shall be legally abandoned and effectively closed to public use and travel.

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

(6) 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.

(7) 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 17th day of August, 1926.

H. B. Brundage

C. Seamy

Leon Whitell

Thos. S. Brown

Commissioners.