

Decision No. 17370

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of a spur track across Front Street and across an unnamed street in the City of Selma, County of Fresno, State of California.

Application No. 13058

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 28th day of July, 1926, asking for authority to construct a spur track at grade across a portion of Front Street and an unnamed street in the City of Selma, County of Fresno, State of California, as hereinafter set forth. The necessary franchise or permit (Resolutions No. 91 and No. 92) has been granted by the Board of Trustees of said City for the construction of said crossings at grade. 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 grade separations, or to avoid grade crossings at the point mentioned in this application with said Streets 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 Southern Pacific Company to construct a spur track at grade across Front Street and an unnamed street

in the City of Selma, County of Fresno, State of California, as follows:

COMMENCING at the intersection of the center line of Park Street with the Northeasterly line of West Front Street as shown on that certain map entitled "Map of South Park Addition to Selma", said map filed for public record September 6, 1887, and recorded on page 19 of Volume 3 of Maps of Fresno County, thence North 41 degrees 33' West along said Northeasterly line of West Front Street a distance of 809.45 feet to point of beginning of center line of track being described; thence in a Southeasterly direction along a circular curve to the right having a radius of 1528.05 a distance of 43.54 feet to point of compound curve; thence continuing in a Southeasterly and Southerly direction along a circular curve to the right having a radius of 358.17 feet a distance of 111.06 feet to an intersection with the Southwesterly line of said West Front Street to end of center line of track being described.

COMMENCING at the intersection of the northwesterly line of Park Street with the southwestery line of West Front Street as shown on that certain map entitled "Map of South Park Addition to Selma." Said map filed for public record September 6, 1887 and recorded on page 19 of volume 3 of maps of Fresno County; thence North 41° 33' west along said southwestery line of West Front Street a distance of 620.0 feet to an intersection with the northwesterly line of that certain dedicated street (no official name) or parcel of land 60.0 feet in width as described in City of Selma's Resolution No. 90 accepting deed from Otis et. ux. for Real Estate for street purposes. Said document dated June 1st, 1925 and recorded June 20, 1925 in volume 576 of Official Records, page 265 et. seq. Fresno County Records, thence south 48° 27' west along said northwesterly line of said dedicated street a distance 5.39 feet to point of beginning of center line of track being described; thence in a southerly direction along a circular curve to the right having a radius of 1637.09 feet a distance of 74.4 feet to an intersection with the southeasterly line of said dedicated street to end of center line of track being described. Last described point being 49.36 feet distant measured south 48° 27' west along said southeasterly line of said dedicated street from its intersection with said southwestery line of said West Front Street;

and as shown by the map (San Joaquin Division Drawing A-3017) attached to the application; said crossings to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing of Front Street together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing of Front Street shall be constructed

equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one-half of one (1/2 of 1) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) No engine, motor or cars shall be operated over said crossing of Front Street without first having been brought to a stop and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman on the ground in advance of the said engine, motor or cars.

(4) An automatic flagman shall be installed and maintained for the protection of said crossing of Front Street. Said automatic flagman shall be of a type and installed in accordance with plans or data approved by the Commission and shall be so arranged that it will give warning approximately twenty-five (25) seconds in advance of every movement of engine, motor or cars over the crossing.

(5) A derailing switch shall be installed at the southerly end of any track circuit which may be installed to control said automatic flagman and said derail shall at all times, excepting during actual movements of trains across the highway, be kept locked in such a position that any car, train or engine moving toward the highway from the southerly side thereof will be derailed.

(6) Suitable signs shall be erected calling attention of trainmen to the restrictions provided in Conditions (3) and (5) above.

(7) The trees and brush located at the sides of said Front Street within a distance of two hundred (200) feet measured along the center line of said street on each side of the point of crossing such center line shall be removed so as to provide a clear and unobstructed view of said spur track for a distance of two hundred (200) feet each side of said crossing.

(8) Said crossing of an unnamed street shall be so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of a roadway along said unnamed street shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover of vehicles and other road traffic.

(9) This order is made upon the express condition that said unnamed street is not now actually constructed and open to travel at the point of crossing, and said order shall not be deemed an authorization for the construction of an opening of said street to public use across said railroad track.

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

(11) If said crossings 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.

(12) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 21st day of September, 1926.

H. B. ...
...
...
Leon ...
...

Commissioners.

240