

Decision No. 17465

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 Fresno Traction Company at Weber Avenue in the said County.

ORIGINAL

Application No. 12195.

E. A. Williams, for County of Fresno.

Everts, Ewing, Wild and Everts, for Fresno Traction Company.

BY THE COMMISSION:

O P I N I O N

In this application the County of Fresno seeks authority to construct Weber Avenue at grade across the tracks of the Fresno Traction Company near its intersection with Olive Avenue northwest of Fresno City.

A public hearing was held on January 23rd, 1926, at Fresno, before Examiner Austin, at which time the matter was submitted.

Weber Avenue is an unimproved street extending from Arthur Avenue northwest to Olive Avenue along the northeasterly right-of-way line of the Southern Pacific Company's main line to Los Angeles. It passes from City to County jurisdiction at the center line of Roeding Avenue, a north and south street leaving Weber Avenue about 1300 feet southeast of the proposed crossing and intersecting Olive Avenue about nine hundred and twenty feet east of the proposed crossing. Weber Avenue has not been laid out or dedicated north of Olive Avenue. The State Highway is

parallel and adjacent to the southwest side of the Southern Pacific Company's right-of-way.

The Fresno Traction Company's line to Roeding Park operates on Olive Avenue as far west as Roeding Avenue, where it enters private right-of-way, Olive Avenue being off-set to the northerly side of this right-of-way. At the time of hearing this piece of right-of-way from Roeding Avenue to the Southern Pacific Company's right-of-way was unfenced. Olive Avenue and the Traction Line cross the Southern Pacific Main Line at right angles and adjacent to each other, both being curved from Weber to Carruth Avenue, the latter being the north and south street lying between Weber and Roeding Avenues. Both cross the State Highway, the car line continuing at right angles with Olive Avenue off-set to the north as a continuation of the east and west tangent lying east of Carruth Avenue. Permission to cross the Southern Pacific Company's tracks was granted to the Fresno Traction Company in Decision No. 292, dated October 21st, 1912 (Application No. 225). Permission to construct Olive Avenue across the Southern Pacific Company's tracks was granted and rescinded in Decision No. 5998 and Decision No. 9372 (Application No. 4150) and regranted at the present location in Decision No. 9371 (Application No. 6882).

The property lying between Weber, Roeding and Olive Avenues is under the jurisdiction of the County. The California Highway Commission recently purchased the sector of land lying between Weber, Carruth and Fresno Traction right-of-way with an extension east along the right-of-way to the alley between Carruth and Roeding Avenues. The property lying east of Carruth Avenue is residential in character. There are four houses on Carruth Avenue and one facing on Olive Avenue. There are no houses in the subdivisions west of Roeding and south of Dennett Avenues. The latter runs east and west and intersects Weber Avenue at the south end of the Highway

Commission's property. East of Roeding Avenue all residents have outlets via Olive Avenue.

Although Weber Avenue is an unimproved street, the Highway Commission has graded that portion of the street fronting their property in anticipation of using it in connection with the proposed crossing. The Highway Commission's property is the maintenance yard and will ultimately be the division headquarters for seven of the valley counties. All trucks, tractors and road machinery will be overhauled, repaired and redistributed from these yards.

At the present time machinery destined for the yards must drive east on Olive Avenue from the State Highway to Roeding Avenue, thence south across the Traction Company's line and thence west along a short street and through Highway Commission's private property to the yards. An entrance to the yards at or near Weber Avenue would relieve the Highway Commission of the necessity of driving this roundabout way with long heavy machinery which is very inconvenient on account of the sharp turns. Although the proposed crossing would be a convenience to the Highway Commission, it would appear that a private crossing across the tracks of the Traction Company directly into the property of the Highway Commission would satisfy all of the Commission's needs. The record shows that outside of the use by the Highway Commission, there would be practically no use of the proposed crossing by the general public. No plans have been formulated for the improving of this road by the County from the Highway Commission's property to Roeding Avenue or by the City of Fresno south of Roeding Avenue.

The Traction Company objected to the opening of the proposed crossing, on account of its proximity to the crossing of the Traction Company's tracks with the main line of the Southern Pacific Company. It appears from the record that the crossing of the street car and railroad tracks is under agreement whereby the Fresno

Traction Company and Southern Pacific Company have agreed that either party's rights to a separation of grades at this crossing are not abridged by the installation of the track crossing or the agreement covering it. If installed, the proximity of the proposed crossing to the track crossing would add greatly to the cost of separating the grades of the tracks as the proposed road crossing would have to be separated also. If not separated, it would have to be abandoned.

Assistant Engineer, L. R. Kessing, of the Commission's Staff, testified that in his opinion the proposed crossing presented more than the usual hazard, on account of its proximity to the above mentioned track crossing and to the crossing of Olive Avenue with the Southern Pacific main line as well as to the fact that the proposed crossing abutted on Olive Avenue. This particular location would require drivers to pay attention to traffic on Olive Avenue at the same time their attention was supposed to be fixed on the Traction Line and preparatory to being fixed on crossing the Southern Pacific tracks.

From the record in this proceeding the Commission is of the opinion that the California Highway Commission can be satisfactorily served by the installation of a private crossing across the tracks of the Fresno Traction Company from Olive Avenue into the Commission yards and it is recommended that these two interested parties arrange for the installation of such a crossing.

It further appears to the Commission that public convenience and necessity do not at this time require the installation of a public crossing at the location applied for in this proceeding and that such a crossing, if necessary in the future, should be considered in connection with the two nearby crossings with particular regard to the installation of safety devices thereon and the possibilities of grade separations at said crossings. It is the

opinion of the Commission that this application should be denied.

O R D E R

County of Fresno, having made application to this Commission for permission to construct a public crossing at grade at Weber Avenue across the tracks of the Fresno Traction Company, 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 the above entitled application be and it is hereby denied without prejudice.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of October, 1926.

H. H. Brundage

Chas. E. ...

Ernest West

Commissioners.