

ORIGINAL

Decision No. 18284

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of Southern Pacific Company for an order authorizing the construction at grade of a spur track across "M" Street and across an alley through fractional Block 187 and across the track of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Los Angeles Street and Butler Avenue, in the City of Fresno, County of Fresno, State of California.

Application No. 13644.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 29th day of March, 1927, asking for authority to construct a spur track at grade across "M" Street, an alley through fractional block 187 and across a track of The Atchison, Topeka and Santa Fe Railway Company, in the vicinity of Los Angeles Street and Butler Avenue, in the City of Fresno, County of Fresno, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 1352) has been granted by the Commission of said City for the construction of said crossings of "M" Street and said alley at grade and The Atchison, Topeka and Santa Fe Railway Company has signified by letter that it will not oppose the installation of the crossing at grade of said spur with its track. 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 points mentioned in this application with said street, alley and railroad track 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 "M" Street and an alley through fractional block 187 in the City of Fresno, County of Fresno, State of California, at the locations hereinafter particularly described and as shown by the map, (San Joaquin Division Drawing A-3111) attached to the application.

Description of Crossings

Commencing at the intersection of the southeasterly line of Los Angeles Street with the northeasterly line of "M" Street, as shown on that certain map entitled "Map of Parkhurst Addition to the Town of Fresno", said map filed for public record in the office of County Recorder December 7th, 1885, in Plat Book No. 1, Page 16, Maps of Fresno County; thence South $41^{\circ}35'45''$ East along said northeasterly line of "M" Street a distance of 176.74 feet to a point; thence South $25^{\circ}52'30''$ West a distance of 5.41 feet to an intersection with the present official northeasterly line of said "M" Street to a point on center line of drill track being described; thence continuing South $25^{\circ}52'30''$ west along surveyed center line of said drill track a distance of 92.02 feet to an intersection with the southwesterly line of said "M" Street.

Commencing at the intersection of the southeasterly line of Los Angeles Street with the southwesterly line of the public alley through fractional Block 187, as shown on that certain map entitled "Map of Parkhurst Addition to the Town of Fresno", said map filed for public record in the office of the County Recorder December 7th, 1885, in Plat Book No. 1, Page 16, Maps of Fresno County; thence South $41^{\circ}35'45''$ East along said southwesterly line of public alley a distance of 153.03 feet to a point on the center line of drill track being described; thence in a northeasterly direction along a circular curve (the tangent to which bears North $58^{\circ}29'35''$ East) to the right having a radius of 461.67 feet, being the surveyed center line of said drill track, a distance of 20.55 feet to an intersection with the northeasterly line of said public alley.

The above crossing of "M" Street shall be identified as Crossing No. 206.71.

Said crossings to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing of "M" 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 "M" 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 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 three (3) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) The entire expense of constructing the crossing of the alley, together with the cost of its maintenance thereafter in good and first-class condition shall be borne by applicant.

(4) Said crossing of the alley shall be so constructed that grades of approach not exceeding three (3) per cent will be feasible in the event that the construction of a roadway along said alley shall hereafter be authorized and so that a grade crossing may be made safe for the passage thereover of vehicles and other road traffic.

(5) This order is made upon the express condition that said alley through fractional block 187 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.

IT IS HEREBY FURTHER ORDERED that permission and authority be and it is hereby granted to Southern Pacific Company to construct a spur track at grade across a spur track of The Atchison, Topeka and Santa Fe Railway Company, in the City of Fresno, County

of Fresno, State of California, at the location hereinafter particularly described and as shown by the map (San Joaquin Division Drawing No. AB-3210) attached to the application.

Description of Crossing

Across the existing track of The Atchison, Topeka and Santa Fe Railway Company at a point approximately 150 feet southerly from the intersection of the center line of said existing track of The Atchison, Topeka and Santa Fe Railway Company with the southerly line of Butler Avenue in said City of Fresno.

Said crossing to be constructed subject to the following conditions, namely:

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

(2) All trains, motors, engines and cars of applicant shall stop before crossing the track of The Atchison, Topeka and Santa Fe Railway Company and shall not proceed thereover until it has been ascertained that it is safe so to do.

(3) Applicant shall, within ninety (90) days of the date of this order, file with the Commission a duly executed copy or copies of agreement or agreements with The Atchison, Topeka and Santa Fe Railway Company, covering the terms of installation, operation and maintenance of said crossing.

(4) All trains, motors, engines or cars of The Atchison, Topeka and Santa Fe Railway Company shall stop before crossing the track of applicant and shall not proceed thereover until it has been ascertained that it is safe so to do.

IT IS HEREBY FURTHER ORDERED that said street and railroad spur track crossings are granted subject to the following conditions:

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

(2) 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.

(3) 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 20th day of April, 1927.

Edward
H. B. ...
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Commissioners.