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Decision No. 20324

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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 side track across Merced Street and across Vine Street, in the Town of Fowler, County of Fresno, State of California.

) Application No. 15057.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 19th day of September, 1928, asking for authority to construct a passing track at grade across Merced and Vine Streets in the Town of Fowler, County of Fresno, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 265) has been granted by the Board of Trustees of said Town 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 points 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 passing track at grade across Merced and Vine Streets in the Town of Fowler, County of Fresno, State of California, at the location shown by the map (San Joaquin Division Drawing A-3503) attached to

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the application.

Description of Crossings

Commencing at the intersection of the southwesterly line of Seventh Street, with the southeasterly line of Vine Street, produced southwesterly as delineated, on that certain map entitled "Fowler, Fresno County, California." Said map filed for public record in office of County Recorder May 6th, 1887, and transcribed by order of the Board of Supervisors, March 11th, 1889, in Book 4 of Plats, Page 15, Records of Fresno County, California; thence South 48° 24' West along said southeasterly line of Vine Street produced southwesterly a distance of 213.0 feet, to point of beginning of center line of passing siding hereinafter described; thence North 41° 36' West a distance of 80 feet to an intersection with the northwesterly line of said Vine Street produced southwesterly. Last described point end of center line of said passing siding heretofore described.

The crossing of Merced Street shall be identified as a portion of Crossing No. B-214.9 and that of Vine Street as a portion of Crossing No. B-215.2.

Said crossings to be constructed subject to the following conditions, and not otherwise:

(1) The entire expense of constructing the crossings, together with the cost of their 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 Merced Street shall be constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission, and said crossing of Vine Street shall be constructed equal or superior to type shown as Standard No. 2, in said General Order. Both crossings shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails at same elevation as main line rails and flush with the pavement, and with grades of approach not exceeding two (2) per cent; shall be protected by Standard No. 1 crossing signs, as specified in General Order No. 75 of this Commission, and shall in every way be made suitable for the passage thereover of vehicles

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and other road traffic.

(3) The crossings of said Merced and Vine Streets with the adjacent main line shall be protected by automatic wig-wags, installed in accordance with Standard No. 3 in General Order No. 75 of this Commission.

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

(5) If said crossings shell 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.

(6) 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 day of October, 1928.

Commissioners.

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