

Decision No. 20386.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
SOUTHERN PACIFIC COMPANY for an  
order authorizing construction at  
grade across certain public roads,  
streets and avenues, of its proposed  
line of railroad from Biola to Kerman,  
all in the County of Fresno, State  
of California.

Application No. 15,280.

Roy G. Hildebrand, for Applicant.  
A. C. Shepard, for County of Fresno.

BY THE COMMISSION:

O P I N I O N

In this application, filed with the Commission on the 19th day of December, 1928, the Southern Pacific Company asks permission to construct at grade a line of railroad from Kerman to Biola, a distance of 6.06 miles, across ten public county roads in the County of Fresno, State of California.

A public hearing was held before Examiner Satterwhite in the City of Fresno on March 25, 1929, at which time the matter was submitted.

Applicant states in its application that the Interstate Commerce Commission by its certificate and order in Finance Docket No. 7083, dated May 19, 1928, authorized construction of said proposed line of railroad and that it has the right, in so far as the County is concerned, to construct said crossings across public roads under the provisions of Subdivision 5 of Section

465 of the Civil Code of the State of California.

Applicant presented evidence to show that the proposed line of railroad formed a connection between its West Side Line and the Biola Branch and was planned so that the West Side freight traffic might be routed through the newly constructed freight yard and icing dock north of the City of Fresno. It is proposed to use the line for freight operation only, which normally consists of four trains a day except during the fruit season, at which time this number is increased to nine. The maximum speed of these trains over the proposed line will be approximately thirty-five (35) miles per hour.

Witnesses for applicant testified that the highway traffic on all the crossings, with the exception of Whites Bridge Avenue and Howard Avenue, was very light, that views at all the crossings were practically unobstructed and that, in their opinion, grade separations were not required at any of the proposed crossings. Applicant proposes that the following types of crossings and crossing protection be installed:

<u>Name of Road</u>	<u>Type of Crossing</u>	<u>Type of Protection</u>
Kearny Avenue,	No. 2	No. 1 sign.
Whites Bridge Avenue,	No. 3	No. 3 wigwag.
Belmont Avenue,	No. 2	No. 1 sign.
Sycamore Avenue,	No. 2	No. 1 sign.
Olive Avenue,	No. 2	No. 1 sign.
McKinley Avenue,	No. 2	No. 1 sign.
Clinton Avenue,	No. 2	No. 1 sign.
Shields Avenue,	No. 2	No. 1 sign.
Ashland Avenue,	No. 2	No. 1 sign.
Howard Avenue,	No. 2	No. 3 wigwag.

Count of vehicular travel on Whites Bridge Avenue for two days is as follows:

	<u>Sunday</u> <u>March 17, 1929</u>	<u>Monday</u> <u>March 18, 1929</u>
Automobiles,	884	490
Trucks,	44	105
Busses,	4	8
Motorcycles,	-	3
Total,	<u>932</u>	<u>606</u>

Arthur C. Shepard, representing the Board of Supervisors of the County of Fresno, stated that it was their policy to require grade separations at all new crossings of important highways by lines of railroad. He further stated that Whites Bridge Avenue was a heavily travelled and important highway which would be crossed by the proposed line of railroad and said crossing should consequently be at separated grades. The County offered no objection to the remaining crossings being constructed at grade.

C. P. Jensen, County Engineer, testified that Whites Bridge Avenue was a paved highway and constituted a part of the main highway along the west side of the San Joaquin River, connecting Fresno with Tracy and intermediate points; that important roads, connecting with communities west of Fresno, lead into said avenue; that it was used by traffic travelling to and from the territory along the coast via the Big and Little Ponoche Creek roads and the state highway through the Pacheco Pass and that the traffic, as indicated by the count submitted by Southern Pacific Company's witness, fairly represented winter conditions but that during the fruit season the traffic was very much greater. Mr. Jensen stated that the proposed crossing of Whites Bridge Avenue should, in his opinion, be constructed at separated grades. He was in agreement with the expressed policy of the county with regard to the construction of grade separations at crossings of new lines of railroad over important highways.

The County Engineer prepared and presented as Exhibit No. 15 a preliminary design for the construction of an underpass

carrying Whites Bridge Avenue under the tracks of the Southern Pacific Company. In this study Whites Bridge Avenue is depressed a sufficient depth to provide proper clearances with the railroad with the elevation of the tracks one foot above the existing pavement at the point of crossing. Mr. Jensen estimated this underpass would cost approximately Eighty-five Thousand (85,000) Dollars.

Counsel for the Southern Pacific Company stated it was the attitude of that company that a grade separation was not needed at the crossing of Whites Bridge Avenue and he was consequently not prepared to offer any direct testimony with regard thereto.

Representative of the County urged that the proposed crossing of Kearney Avenue be protected by a wigwag. The evidence shows that there is an obstructed view in all directions at this location due to trees along both sides of the avenue and, further, that the travel is heavy during the summer months.

After a review of the evidence we conclude that, with the exception of the crossing of Whites Bridge Avenue, authority should be granted for the construction of the grade crossings as requested. These crossings and the protection to be installed should be of the type recommended by applicant, except that a Standard No. 3 wigwag should be installed at Kearney Avenue.

It is further concluded that the crossing of Whites Bridge Avenue should be constructed at separated grades. However, it is probable that a more economical design may be worked out for this separation than that shown in Exhibit No. 15 and, consequently, approval of a specific plan will be withheld at this time. The apportionment of costs will be determined by a supplemental order in this matter at such time as plans have been filed with and approved by this Commission. If, however, the parties do not agree upon a plan of separation and the apportionment of cost of the same, the matter will be set for further hearing as to these issues.

## O R D E R

Southern Pacific Company, a corporation, having applied to the Railroad Commission for authority to construct a line of railroad from Kerman to Biola, a distance of 6.06 miles, at grade across certain public roads in the County of Fresno, State of California, a public hearing having been held, the Commission being apprised of the facts, the matter being submitted and ready for decision, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to Southern Pacific Company to construct its line of railroad at grade across Kearney Avenue, Belmont Avenue, Sycamore Avenue, Olive Avenue, McKinley Avenue, Clinton Avenue, Shields Avenue, Ashland Avenue and Howard Avenue, in the County of Fresno, State of California, at the locations hereinafter particularly described and as shown by map (Stockton Division Drawing B-3207, Sheet No. 1) attached to the application.

### DESCRIPTIONS OF CROSSINGS

#### KEARNEY AVENUE:

BEGINNING for a center line description of said crossing at a point in the southerly line of Kearney Avenue, 45 feet westerly at right angles from the north and south 1/4 Section line through center of Section 8, Township 14 South, Range 18 East, MDB&M; thence northerly across Kearney Avenue 60 feet to the northerly line of said Avenue, said point being 45 feet westerly from said north and south 1/4 Section line through center of Section 8, Township 14 South, Range 18 East, MDB&M, as shown by red line on Stockton Division Drawing No. A-3272, Sheet No. 1.

The above crossing shall be identified as Crossing  
No. BU-213.2.

#### SYCAMORE AVENUE:

BEGINNING for a center line description of said crossing at a point on the westerly line of Sycamore Avenue 292 feet, more or less, from the northerly line of Belmont Avenue, said point being 20 feet westerly measured at right angles from the north and south 1/4 Section line through center of Section 32, Township 13 South, Range 18 East; thence northeasterly on a

curve concave to the right (radius 1146.01 feet) a distance of 150 feet, more or less, to the easterly line of said Sycamore Avenue to a point located 433 feet, more or less, northerly from said northerly line of Belmont Avenue, and measures along the easterly line of said Sycamore Avenue, 20 feet easterly from said north and south 1/4 Section line through center of Section 32, Township 13 South, Range 18 East, MDB&M, as shown by red line on Stockton Division Drawing No. A-3272, Sheet No.3.

The above crossing shall be identified as Crossing  
No. BU-211.6.

BELMONT AVENUE:

BEGINNING for a center line description of said crossing at a point in the southerly line of Belmont Avenue 45 feet westerly from the north and south 1/4 Section line through center of Section 5, Township 14 South, Range 18 East, MDB&M; thence northerly across Belmont Avenue 60 feet to the northerly line of said Avenue, said point being 45 feet, more or less, westerly from the north and south 1/4 Section line through center of Section 32, Township 13 South, Range 18 East, MDB&M, as shown by red line on Stockton Division Drawing No. A-3272, Sheet No. 3.

The above crossing shall be identified as Crossing  
No. BU-211.7.

OLIVE AVENUE:

BEGINNING for a center line description of said crossing at a point in the southerly line of Olive Avenue 25 feet easterly from the intersection of the west line of NE 1/4 of the SE 1/4 of Section 32, Township 13 South, Range 18 East, MDB&M, and the south line of said Olive Avenue; thence northerly across Olive Avenue to the northerly line of said Avenue 40 feet, said point being 25 feet easterly from the west line of SE 1/4 of NE 1/4 of Section 32, Township 13 South, Range 18 East, MDB&M, as shown by red line on Stockton Division Drawing No. A-3272, Sheet No. 4.

The above crossing shall be identified as Crossing  
No. BU-211.1,

MCKINLEY AVENUE:

BEGINNING for a center line description of said crossing at a point in the southerly line of McKinley Avenue 25 feet easterly from the intersection with the west line of Lot 34 of Bank of California Tract in Section 32, Township 13 South, Range 18 East, MDB&M, as per Official Map recorded in Recorder's Office in Fresno County; thence northerly across said McKinley Avenue to the northerly line of aforesaid Avenue 60 feet, said point being 25 feet easterly from the intersection with the West line of Lot 31 of Bank of California Tract in Section 29, Township 13 South, Range 18 East, MDB&M, as per Official Map recorded in the Recorder's Office in Fresno County, as shown by red line on Stockton Division Drawing No. A-3272, Sheet No. 5.

The above crossing shall be identified as Crossing  
No. BU-210.6.

CLINTON AVENUE:

BEGINNING for a center line description of said crossing at a point in the southerly line of Clinton Avenue 25 feet easterly from the intersection with the west line of Lot 18 of Bank of California Tract in Section 29, Township 13 South, Range 18 East, MDB&M, as per Official Map recorded in Recorder's Office in Fresno County; thence northerly across said Clinton Avenue to the northerly line of aforesaid Avenue 60 feet, said point being 25 feet easterly from the intersection of the west line of Lot 15 of Bank of California Tract in Section 29, Township 13 South, Range 18 East, MDB&M, per Official Map recorded in Recorder's Office in Fresno County, as shown by red line on Stockton Division Drawing No. A-3272, Sheet No. 6.

The above crossing shall be identified as Crossing  
No. BU-210.1.

SHIELDS AVENUE:

BEGINNING for a center line description of said crossing at a point in the southerly line of Shields Avenue 25 feet easterly from the intersection with the west line of Lot 2 of Bank of California Tract, in Section 29, Township 13 South, Range 18 East, MDB&M, as per Official Map recorded in Recorder's Office in Fresno County; thence northerly across said Shields Avenue to the northerly line of said Avenue 60 feet, said point being 17 feet from the westerly line of Lot 16 of Sycamore Ranch Tract in Section 20, Township 13 South, Range 18 East, MDB&M, as per Official Map on file in Recorder's Office in Fresno County, as shown by red line on Stockton Division Drawing No. A-3272, Sheet No. 7.

The above crossing shall be identified as Crossing  
No. BU-209.6.

ASHLAND AVENUE:

BEGINNING for a center line description of said crossing at a point in the southerly line of Ashland Avenue 17 feet easterly from the westerly line of Lot 1 of Sycamore Ranch Tract in Section 20, Township 13 South, Range 18 East, MDB&M, as per Official Map on record in Recorder's Office in Fresno County; thence northerly across said Ashland Avenue to the northerly line of aforesaid Avenue 60 feet, said point being 25 feet east from the west line of Lot 16 of Sycamore Ranch Tract in Section 17, Township 13 South, Range 18 East, MDB&M, as per Official Map on record in Recorder's Office in Fresno County as shown by red line on Stockton Division Drawing No. A-3272, Sheet No. 8.

The above crossing shall be identified as Crossing  
No. BU-208.6.

HOWARD AVENUE:

BEGINNING for a center line description of said crossing at a point in the westerly line of Howard Avenue with the inter-

section of line dividing Lots 8 and 9 of Sycamore Ranch Tract in Section 17, Township 13 South, Range 18 East, MDB&M, as per Official Map on record in Recorder's Office in Fresno County; thence easterly across said Howard Avenue 60 feet to the easterly line of said Avenue, said point being the intersection of center line of present railroad with said easterly line of Howard Avenue, as shown by red line on Stockton Division Drawing No. A-3272, Sheet No. 9.

The above crossing shall be identified as Crossing No. BU-208.0.

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

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

(2) Said crossings shall be constructed equal or superior to type shown as Standard No. 2 in General Order No. 72 of this Commission and shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding two (2) per cent, shall each be protected by a Standard No. 1 crossarm sign, the crossings of Kearney Avenue and Howard Avenue shall each be protected by a Standard No. 3 wigwag as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company be and it is hereby authorized to construct its line of railroad at separated grades and not otherwise across Whites Bridge Avenue, in the County of Fresno, State of California, at the location hereinafter particularly described and as shown by the map (Stockton Division Drawing B-3027, Sheet No. 1) attached to the application.



DESCRIPTION OF CROSSING

WHITES BRIDGE ROAD:

BEGINNING for a center line description of said crossing at a point in the southerly line of Whites Bridge Road 45 feet westerly at right angles from the north and south 1/4 Section line through center of Section 8, Township 14 South, Range 18 East, MDB&M; thence northerly across Whites Bridge Road 60 feet to the northerly line of said road, said point being 45 feet westerly from the north and south 1/4 Section Line through center of Section 5, Township 14 South, Range 18 East, MDG&M, as shown by red line on Stockton Division Drawing No. A-3272, Sheet No.2.

The above crossing shall be identified as Crossing No. BU-212.7-B.

Said grade separation to be constructed subject to the following conditions:

(1) Said grade separation shall be constructed, except as herein specified, in accordance with plans to be filed with and approved by this Commission.

(2) Said grade separation shall be constructed with clearances conforming to the provisions of this Commission's General Order No. 26-C.

(3) The cost of construction and maintenance of said grade separation shall be borne in accordance with the apportionment of costs to be made by supplemental order in this matter at such time as plans are filed with and approved by this Commission.

IT IS HEREBY FURTHER ORDERED that

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

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

Dated at San Francisco, California, this 16<sup>th</sup> day of April 1929.

Thos. S. Lottis

C. Seaver

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W. J. Cass

Commissioners.