

Decision No. 21888

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 Shaw Avenue, in the vicinity of Cromir Station, County of Fresno, State of California.

Application No. 15997.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 8th day of October, 1929, asking for authority to construct a spur track at grade across Shaw Avenue, in the vicinity of Cromir Station, County of Fresno, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution dated September 24, 1929) has been granted by the Board of Supervisors of said county for the construction of said crossing 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 a grade separation or to avoid a grade crossing at the point mentioned in this application with said Shaw Avenue 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 Shaw Avenue, in the vicinity of

Cromir Station, County of Fresno, State of California, at the location hereinafter particularly described and as shown by the map (Stockton Division Drawing No. A-3444) attached to the application.

DESCRIPTION OF CROSSING

BEGINNING at a point in the north line of Shaw Avenue, said Avenue being located on Section Line common to Section 10, Township 13 South, Range 14 East, MDB&M, and Section 15, Township 13 South, Range 14 East, MDB&M, said point being distant 101.5 feet at right angles from the center line of the main track of the Southern Pacific Railroad Company, Tracy to Fresno, thence southeasterly parallel to and distant 101.5 feet southwesterly from said center line of main track a distance of 72.69 feet, more or less, to a point in the south line of said Shaw Avenue.

The above crossing shall be identified as a portion of Crossing No. BA-170.2.

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

(1) The entire expense of constructing the crossing, 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 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 that portion of said avenue now graded, with the tops of rails flush with the roadway, and with grades of approach not exceeding one (1) per cent; shall be protected by a Standard No. 1 crossing sign 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.

(3) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

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

(5) If said crossing 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.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing 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 November, 1929.

John D. Hackett

Al. J. ...

Edmund ...

Commissioners.