

Decision No. 23420.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of
 The Atchison, Topeka and Santa Fe
 Railway Company, a corporation, for
 authority to construct a spur track
 at grade in and along an alley through
 Block 155 and across Inyo Street, and
 to relocate a portion of Track No. 43
 at the intersection of said Inyo Street
 and an alley through Blocks 155 and
 156 in the City of Fresno, County of
 Fresno, State of California.

Application No. 17212.

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, on February 17, 1931, applied for authority to construct a spur track at grade in and along an alley through Block 155 and across Inyo Street, and to relocate a portion of Track No. 43 at the intersection of said Inyo Street and an alley through Blocks 155 and 156 in the City of Fresno, County of Fresno, State of California. The necessary franchise or permit (Ordinance No. 1742) has been granted by the City Commission of said city for the construction of said crossings at grade. It appearing that a public hearing is not necessary herein and that the application should be granted subject to certain conditions,

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company is hereby authorized to construct a spur track at grade in and along an alley through Block 155 and across Inyo Street, and to relocate a portion of Track No. 43 at the

intersection of said Inyo Street and an alley through Blocks 155 and 156 in the City of Fresno, County of Fresno, State of California, at the locations more particularly described in the application and as shown by the maps (No. V-16-252) attached thereto, subject to the following conditions:

- (1) The entire expense of constructing and thereafter maintaining the crossings in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (2) This order is made upon the express condition that said Inyo Street and alley are not now actually constructed and open to travel at the respective points of crossing and this order shall not be deemed an authorization for the construction of an opening of said streets to public use across said spur tracks. Said tracks shall be so constructed that grades of approach not exceeding three (3) per cent will be feasible in the event that the construction of an opening of said Inyo Street and alley across said spur tracks shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.
- (3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of its compliance with the conditions hereof.
- (4) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (5) 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, 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 February, 1931.

Clarence
Leon
W. J. C.

Commissioners.