

Decision No. 17853.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the CITY OF FRESNO, a municipal corporation, for an order authorizing the construction of a Subway under the Belmont Avenue Crossing of the Southern Pacific Company's tracks in the City of Fresno,

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CITY OF FRESNO, a municipal corporation, vs. SOUTHERN PACIFIC COMPANY, PACIFIC TELEPHONE AND TELEGRAPH COMPANY, SAN JOAQUIN LIGHT & POWER CORPORATION, and BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO.

Application No. 17853.

ORIGINAL

Claude L. Rowe and J. L. Vincenz, for the City of Fresno.

H. W. Hobbs, for Southern Pacific Company.

Arthur C. Shepard, for the County of Fresno.

E. E. Wallace, for the State Division of Highways.

H. E. Owens, for The Pacific Telephone and Telegraph Company.

Paul Wilson, for San Joaquin Light and Power Corporation.

HARRIS, COMMISSIONER:

O P I N I O N

In the above entitled proceeding, the City of Fresno seeks authority to construct a separation of grades between Belmont Avenue and the tracks of Southern Pacific Company in the City of Fresno, by constructing the highway under the railroad.

A public hearing was conducted on this matter at Fresno on December 22nd, 1931, and it is now ready for decision.

The record shows that Belmont Avenue, which connects with the State Highway to the north, carries a large volume of vehicular traffic at the location in question; some 8,000 vehicles cross the railroad during normal week days, with upwards of 15,000 during times of peak travel to and from Roeding Park, the main entrance of which is located immediately west of the proposed separation.

The railroad involved is Southern Pacific Company's main line (San Joaquin Valley Line), over which there normally are seven scheduled passenger trains and eleven scheduled freight trains per day operated across Belmont Avenue and, in addition, some eighteen yard engine and twenty-four light engine movements per day. The company's witness testified that this rail traffic is materially less than normal.

The record shows that the Belmont Avenue grade crossing ranks among the first that should be separated on the San Joaquin Valley Line, due to the large volume of traffic, both vehicular and rail, with the attendant hazard and delay, combined with the fact that the crossing is constructed with rather sharp turns in the highway over the tracks.

Preliminary estimates show that this separation, including property damage, will cost in excess of \$250,000. All parties are in agreement as to the general plan of separation. Final plans await the working out of certain detail. It appears that the city and the railroad company are working out an agreement as to the apportionment of cost between the railroad and the public and it is expected that a complete agreement will be reached in the near future. The city is negotiating with both the County of Fresno and the State Highway Commission on a plan whereby each will assume a portion of the public's financial obligation.

The proposed construction will require the moving of a trunk line telephone in conduit owned by The Pacific Telephone and Telegraph Company and also a gas main owned by the San Joaquin Light and Power Corporation. Both of these companies entered an appearance and their respective representatives stated that their companies each had agreed to move the mains at their own expense.

The record in this proceeding clearly justifies the granting of the city's application to construct this separation of grades to eliminate hazard and permit of the free flow of traffic on both the highway and the railroad.

As to the apportionment of cost, the parties have requested that the order provide that the city and railroad be permitted to endeavor to reach a complete agreement as to how the expense should be borne, said agreement to be filed with the Commission for its approval, with the understanding that, if after a reasonable length of time, an agreement is not reached, the Commission will, by supplemental order, apportion the expense between the city and the railroad. This plan provides that the city will make its own agreement with the county and State Highway Commission as to how the public's portion shall be met.

The following form of Order is recommended.

C R D E R

After public hearing on the above entitled proceeding, it is hereby found as a fact that public convenience and necessity will be served through the construction of a separation of grades between Belmont Avenue and the tracks of Southern Pacific Company, in the

City of Fresno, as proposed herein; therefore,

IT IS HEREBY ORDERED that the City of Fresno and Southern Pacific Company are hereby authorized to construct said separation by carrying Belmont Avenue under the tracks of Southern Pacific Company, subject to the following conditions:

- (1) The above separation shall be identified as Crossing No. B-203.8-B.
- (2) Before actual work is commenced, the City of Fresno shall file with the Commission, for its approval, a set of plans in sufficient detail to show the general track and highway layout, the plans to include grades of approach, widths of roadways, sidewalk or sidewalks, vertical clearances, drainage and lighting facilities. Said plans shall bear the approval of all interested parties contributing to its construction and shall conform to the Commission's clearance requirements as prescribed in General Order No. 26-C.
- (3) The expense of constructing and maintaining said separation shall be borne in accordance with an agreement to be entered into between the City of Fresno and Southern Pacific Company, a certified copy of which shall be filed with the Commission, for its approval, within sixty (60) days from the date of this Order.
- (4) If said agreement is not filed within this time and the Commission does not extend the time for such filing, it will, by supplemental order in this proceeding, apportion the expense of the construction and maintenance of said separation between the City of Fresno and Southern Pacific Company.
- (5) Nothing herein contained shall be construed as preventing the County of Fresno and the State Highway Commission from contributing such portion of the cost hereinafter assumed by or assessed to the City of Fresno as shall be mutually agreed upon by said City of Fresno, County of Fresno and State Highway Commission and provided, however, that no portion of the cost hereinafter assumed by or assessed to the City of Fresno shall, in any manner whatsoever, be assessed against the operative property of said Southern Pacific Company.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said separation and of its compliance with the conditions hereof.
- (7) 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.

The authority herein granted shall become effective on
the date hereof.

The foregoing Opinion and Order are hereby approved and
ordered filed as the Opinion and Order of the Railroad Commission
of the State of California.

Dated at San Francisco, California, this 28th day
of December, 1931.

O. C. Jenney
Leon Whalley
W. J. Lee
N. B. Harris
Frederic G. Stewart
Commissioners.