

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
FRESNO TRACTION COMPANY for a cer-
tificate that the present and future
public convenience requires the exten-
sion of the lines of said company, and
in the matter of the application for
the construction of crossings of public
roads and highways, and also in the matter
of the application for permission to con-
struct a subway under the tracks of The
Atchison, Topeka & Santa Fe Railway Com-
pany.

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ORIGINAL

Application No. 885.

Received 12/17

O. L. Everts, for the Fresno Traction Company.

M. W. Reed, for The Atchison, Topeka & Santa Fe Railway Company.

COMPOSITION

GORDON, Commissioner.

The applicant is organized for the purpose of construct-
ing, maintaining and generally operating an electric railroad in
and around, and adjacent to the City of Fresno, in Fresno County,
California.

It is at this time contemplating, and has commenced the
construction of a standard gauge railroad, which is an extension
of and connected with the present line of its system now in
operation, commencing at or near the center line of Wishon Ave-
nue, on the southerly line of McKinley Avenue, and at the north-
erly line of Wilson's North Park Tract, as per map which is on
file with the Commission, and running thence northerly on said
Wishon Avenue, along or near the center line thereof, and through
certain additions to the City of Fresno, known as North Park Ter-
race, College Addition and Van Ness Heights, to the northerly
line of Princeton Avenue, a distance of three-quarters of a mile,
more or less. This portion of said line runs upon the public
highway of the County of Fresno, and a franchise was secured from

said county by the passage of an ordinance on the 29th day of July, 1913, by the Board of Supervisors of Fresno County, a copy of which is attached to the Application.

From a point on the northerly line of Princeton Avenue, above mentioned and described, the said line of railroad extends by private right of way northerly through that certain addition to the City of Fresno known as Normal View, crossing the Santa Fe Railway Company's tracks, with an undergrade crossing; thence running in a northwesterly direction through a part of the northeast quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) of Section twenty-eight (28) Township thirteen (13) South, Range twenty (20) East, M.D.B. & M.; thence running in a due northerly direction on a right of way owned by this company, through the east half ($\frac{1}{2}$) of the west half ($\frac{1}{2}$) of Section twenty-one (21); thence through the west half ($\frac{1}{2}$) of Section sixteen (16); thence through and along the southerly line of Section eight (8), and a part of section seven (7); thence bearing due north through the east half ($\frac{1}{2}$) of section seven (7), all of the said sections being located in Township thirteen (13) South, Range twenty (20) East, M.D.B. & M.; thence northerly through the west half ($\frac{1}{2}$) of Section thirty-one (31), Township twelve (12) South, Range Twenty (20) East, M. D. B. & M., a distance of about half a mile; thence the line of said road to follow in a northeasterly direction, making a curve with the meander line of the San Joaquin River, and running therefrom in a northwesterly direction through a portion of the northeast quarter ($\frac{1}{4}$) of Section thirty-six (36); and the southeast quarter ($\frac{1}{4}$) of Section twenty-five (25), all in Township twelve (12) South, Range twenty (20) East, M. D. B. & M.

The last two miles of said line follow the bluff along the San Joaquin River, and meander with the course of said river, and the description aforesaid is simply general in its character.

The distance covered by this line is practically nine and one-half (9-1/2) miles, more or less, and a full and complete description can be had from the maps on file with this Commission.

With the exception of the first-half mile hereinbefore described, the said line will be constructed entirely upon the private right of way owned by the applicant, and the following public roads and highways in the County of Fresno will be crossed:

- Crossing No. 1. McKinley Avenue, a public highway at Engineer's Station 5 plus 57.
- Crossing No. 2. Peralta Way, a public highway at Engineer's Station 9 plus 37.
- Crossing No. 3. University Avenue, a public highway at Engineer's Station 19 plus 18.
- Crossing No. 4. Normal Avenue, a public highway at Engineer's Station 16 plus 48.
- Crossing No. 5. Van Ness Boulevard, a public highway at Engineer's Station 19 plus 24.
- Crossing No. 6. Cambridge Avenue, a public highway at Engineer's Station 23 plus 18.
- Crossing No. 7. Yale Avenue, a public highway at Engineer's Station 26 plus 46.
- Crossing No. 8. Vassar Avenue, a public highway at Engineer's Station 29 plus 75.
- Crossing No. 9. Clinton Avenue, a public highway at Engineer's Station 33 plus 02.
- Crossing No. 10. Terrace Avenue, a public highway at Engineer's Station 35 plus 32.
- Crossing No. 11. Harvard Avenue, a public highway at Engineer's Station 39 plus 53.
- Crossing No. 12. Brown Avenue, a public highway at Engineer's Station 42 plus 93.
- Crossing No. 13. Princeton Avenue, a public highway at Engineer's Station 46 plus 24.

The above crossings, numbers one (1) to thirteen (13) inclusive, are made on Wishon Avenue, under a franchise granted by the County of Fresno.

The remaining portion of said line is built entirely upon private right of way and crosses the following highways and county roads in said County of Fresno:

- Crossing No. 14. Shields Avenue, a public highway at Engineer's Station 60 plus 55.
- Crossing No. 15. A public highway (county road) at Engineer's Station 113 plus 50.
- Crossing No. 16. Van Ness Boulevard, a public highway at Engineer's Station 170 plus 50.
- Crossing No. 17. Palm Avenue, a public highway at Engineer's Station 177 plus 60.
- Crossing No. 18. Cole Avenue, a public highway at Engineer's Station 203 plus 55.
- Crossing No. 19. Chittenden Avenue, a public highway at Engineer's Station 290 plus 08.
- Crossing No. 20. Saunders Avenue, a public highway at Engineer's Station 266 plus 27.
- Crossing No. 21. Bullard Avenue, a public highway at Engineer's Station 292 plus 62.
- Crossing No. 22. Bacon Avenue, a public highway at Engineer's Station 318 plus 99.
- Crossing No. 23. Herndon-Clovis Road (county road) at Engineer's Station 345 plus 55.
- Crossing No. 24. A public highway at Engineer's Station 429 plus 50.

All of the above crossings are shown by maps and profiles attached to the Application.

Applicant proposes to cross all of the twenty-four (24) crossings, as hereinbefore described, at grade.

At a point in the northeast quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) of Section twenty-eight (28), Township thirteen (13) South, Range twenty (20) East, M. D. B. and M, the applicant's line, at Engineer's Station 52 plus 82, crosses the main line of The Atchison, Topeka & Santa Fe Railway Company, and it is proposed to construct an undergrade crossing at that point. The Company has filed with the Commission, and made a part of its application, maps, profiles and plans showing the method of

construction of said proposed undergrade crossing. It also appears that the applicant has heretofore made an agreement with The Atchison, Topeka & Santa Fe Railway Company with reference to the method of construction and division of expense in regard to said crossing. Said Agreement is annexed to the Application and marked Exhibit "B". This undergrade crossing falls under the provisions of this Commission's General Order No. 26, where an overhead clearance of nineteen (19) feet for this particular type of crossing is required. It further appears that on the 13th day of October, 1913, the applicant asked for a modification of the overhead clearance provision of said Order, and that on October 31, 1913 General Order No. 26 was modified by the Commission so as to allow a sixteen (16) foot clearance in place of the nineteen foot clearance, in the construction of said undergrade crossing.

At the hearing in Fresno on January 14, 1914, it was developed that the present and future public convenience will require the construction and operation of said line; that the said line connects the City of Fresno with the San Joaquin River, running through a portion of the County which is rapidly being developed, and that the construction and operation of said line will assist in the development of said portion of Fresno County, and that no other electric or interurban line reaches or traverses any part of the country through which this line proposes to run. It further developed that no bond issue or loan is desired by the applicant in the construction of said line.

With reference to the road and highway crossings described heretofore, under numbers one (1) to twenty-four (24) inclusive, it appears to the Commission that all of the said crossings are not within the incorporated limits of a city or town, and therefore the railroad company has the statutory right to construct same, subject to the consent of this Commission under Section 43 of the Public Utilities Act, and it is not necessary that a/
franchise or permit

be secured from the Board of Supervisors of Fresno County to construct said highway crossings; and it further appears that it is not reasonable nor practicable to avoid grade crossings with said streets or public highways, and that the application should be granted subject to the conditions hereinafter specified.

With reference to the proposed undergrade crossing of applicant's tracks under the tracks of The Atchison, Topeka & Santa Fe Railway Company, it appears to the Commission that a separation of grades at this point will be desirable, and that the application should be granted subject to the conditions hereinafter specified.

I recommend the following form of Order:

O R D E R .

FRESNO TRACTION COMPANY, having applied to this Commission for a certificate that the present and future public convenience requires the extension of the lines of said company from a connection with the present line of said company's system now in operation, commencing at or near the center line of Wishon Avenue, on the southerly line of McKinley Avenue, and ending at a point in the southeast quarter ($\frac{1}{4}$) of Section twenty-five (25) Township twelve (12) South, Range twenty (20) East, as hereinbefore described, and all in Fresno County, California, and having a total length of approximately nine and one-half ($9\frac{1}{2}$) miles,

IT IS HEREBY DECLARED,

That public convenience and necessity require and will require the exercise of the rights and privileges granted to applicant by the County of Fresno, California, in said county's Ordinance No. 147, passed on the 29th day of July, 1913, by its Board of Supervisors, in which ordinance applicant is given permission, upon certain conditions, to construct, equip, operate and maintain a street and interurban railroad along, over

and across certain streets, avenues and highways in the County of Fresno, California.

IT IS HEREBY ORDERED:-

First. That permission be hereby granted the Fresno Traction Company to construct its track across the streets or public highways in Fresno County as hereinbefore specified and described under numbers one (1) to twenty-four (24) inclusive, subject to the following conditions, viz:

- ✓ (a) 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 convenience use of the public, shall be borne by applicant.
- (b) Applicant shall provide the necessary plank or guard-rails, wherever necessary, for the construction of said crossings, and shall ballast same, wherever necessary, to a depth of not less than six (6) inches, with first-class stone or gravel ballast. Said crossings shall be of a length to meet the demands of road traffic, and in no case less than twenty-four (24) feet, with grades of approach not exceeding six (6) per cent.
- (c) At crossings hereinbefore described as Crossing No. 14 and Crossing No. 24, applicant shall construct and maintain at its own expense, for the protection of each of said crossings, a first-class standard automatic flagman, which, upon the approach of a train or car, shall display a red light, said light to have the motion of an inverted pendulum, and which shall, at the same time, sound an automatic warning bell. Attached to the support of this device, or one of equal efficiency, shall be a first-class standard high-

way crossing sign, marked with appropriate black letters, not less than six (6) inches in height, upon a white background.

- (d) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said grade 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.

Second. That applicant be, and is hereby, directed to construct its tracks, at Engineer's Station 52 plus 82, under the track of The Atchison, Topeka & Santa Fe Railway Company's line, upon the following terms and conditions, and in accordance with the specifications hereinafter set forth:

- (a) The division of the cost of the undergrade structure, together with the cost of maintenance and operation thereafter, shall be apportioned between Fresno Traction Company and The Atchison, Topeka and Santa Fe Railway Company, in accordance with an Agreement entered into between said companies, which is attached to the Application and marked Exhibit "B".
- (b) Applicant shall comply, in the construction of said structure, with this Commission's General Order No. 26, in regard to clearances, except that permission is hereby granted to vary from the specified minimum overhead clearance above the top of rails, and that said overhead clearance may be sixteen (16) feet instead of nineteen (19) feet. This permission is granted with the understanding that standard freight cars will

not be transported over this line, and that if, in the future, such freight cars are transported over the line, General Order No. 26 must be complied with.

- (c) Said structure shall be constructed in a thoroughly first-class and workmanlike manner, with concrete retaining walls on each side and throughout, of suitable dimensions.
- (d) Plans and specifications for this structure shall be presented to the Commission for its approval within ninety (90) days after the date of this Order, and said structure shall be completed and ready for the operation thereover of trains and cars of applicant within one (1) year after the date of this Order.
- (e) The approaches of the subway on each side of the crossing for the track of the applicant shall not exceed a grade of three and one-half (3-1/2) per cent.
- (f) The Commission hereby reserves the right to make such further orders hereafter relative to the construction, maintenance, operation and protection of said subway and the crossing of applicant's tracks with the track of The Atchison, Topeka & Santa Fe Railway Company as to it may seem right and proper, when in its opinion *the public convenience and necessity demand that* it take such action.

shall here +

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 22nd day
of January, 1914.

H. S. Loveland

Alex. Gordon

Max Thelen

Edwin C. Edgerton

Commissioners.