

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
FRESNO INTERURBAN RAILWAY COMPANY for
permission to construct a grade crossing
across the main line of The Atchison,
Topeka and Santa Fe Railway Company on
Merced Street, in the City of Fresno,
Fresno County, California.
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ORIGINAL

Application No. 1835.

Decision No. 2943

Lee Landis, for applicant.

J. W. Walker, for The Atchison, Topeka and Santa Fe
Railway Company.

GORDON, Commissioner,

O P I N I O N.

This application was filed with the Commission on August 13, 1915. The applicant herein asks permission to construct its single track electric railroad over the single track steam railroad of The Atchison, Topeka and Santa Fe Railway Company at the intersection of Merced and "Q" Streets, in the City of Fresno. The application was accompanied by copy of an agreement applicant has made with the Santa Fe covering the installation, maintenance and operation of the crossing and upon the representation of applicant that immediate action in the matter was desired, the Commission informally granted permission for the crossing to be installed.

An inspection by the engineering department made shortly afterward showed that some protection was probably needed, other than that specified in the contract between the companies requiring applicant to stop its cars and flag them across the track intersection. Both companies appeared willing to have the crossing protected but seemed unable to agree as to what that protection should be and it was reported that the City of Fresno objected to placing derrails in the street in connection with the proposed protection.

A formal hearing was held in this matter in Fresno and due notice was sent to the city officials of Fresno but the city was

not represented at the hearing. The representative of applicant, however, stated that the city officials would make no objection to having derails placed in the street if the Commission should so order.

The protection suggested by the Santa Fe is to place derails on the track of the applicant connected with a signal on the Santa Fe track to the north of the crossing, with an electric circuit some distance in advance of the signal. With this device installed it will be necessary, before the interurban cars of the applicant can cross the track, for the derails to be thrown, and this cannot be done if there is a train on the Santa Fe track between the signal and the crossing or within the limits of the electric circuit north of the signal. When the derails are closed the signal on the Santa Fe is at danger. To the south of the crossing the track of the Santa Fe can be seen to and beyond the station, at which all trains stop, and no protection is considered necessary in that direction.

The device suggested by the Santa Fe meets the approval of our engineering department and the applicant offered no objection to installing it. The expense will amount to about \$900.00, and under Section 8 of the agreement between the companies, previously mentioned, it will be borne by the applicant.

I recommend the following form of order:-

O R D E R.

FRESNO INTERURBAN RAILWAY COMPANY, a corporation, having applied to the Commission for permission to construct its track at grade across the main line track of The Atchison, Topeka and Santa Fe Railway Company, in the City of Fresno, Fresno County, California, and a public hearing having been held and it appearing to the Commission that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, That permission be hereby granted Fresno Interurban Railway Company to construct its track at grade

across the main line track of The Atchison, Topeka and Santa Fe Railway Company on Merced Street, in the City of Fresno, Fresno County, California, as shown by the map attached to the application, subject to the following conditions and not otherwise, viz.:-

(1) Applicant shall provide suitable crossing frogs for the construction of said crossing and shall thereafter maintain same in good and first-class condition for the safe operation of cars thereover. The cost of installing and maintaining the crossing shall be divided according to the terms of the contract between applicant and The Atchison, Topeka and Santa Fe Railway Company hereinbefore mentioned.

(2) Applicant shall, at its own expense, within four months from the date of this order, for the protection of this crossing, install a protective device as outlined in the foregoing opinion. Plans of this device shall be submitted to the Commission and approval secured for same before its installation.

(3) The cost of this interlocking device shall be borne by applicant in accordance with the contract hereinbefore mentioned and its maintenance thereafter shall be borne by the two companies in accordance with the terms of the same contract.

(4) After the installation of the crossing frogs, before placing in operation the protective device hereinbefore specified, all engines, cars, motors and trains of applicant shall, before passing over this crossing come to a full stop within fifty (50) feet thereof and shall not proceed over the same until the conductor or other employee of applicant has gone upon the crossing and ascertained that it is safe to do so.

(5) 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 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 30th day of November, 1915.

Max Theiler

Alex Gordon

Edwin O. Edgerton

Francis P. Decker

Commissioners.