

Decision No. .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

"H" Street Property Owners
Association of Fresno,

Complainant,

- vs -

Southern Pacific Company,

Defendant.

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ORIGINAL

Case No. 932.

E. M. Prescott for complainant.
Geo. D. Squires for defendant.

GORDON, Commissioner.

O P I N I O N

In this case the "H" Street Property Owners Association of Fresno (not incorporated) complains that the grade crossings of the Southern Pacific Company's railroad at the southern entrance of the State Highway into the city of Fresno are a menace to public safety; that the people of the city of Fresno have in the past made complaint to the Southern Pacific and also to the city officials of Fresno, but that the menace still exists and that no action for the elimination of the dangerous grade crossings has been taken. The complainant asks for an investigation and hearing by the Commission and states that it is ready to produce evidence which will show that this menace to public safety should be eliminated by the construction of a subway under the tracks of defendant's railroad at Monterey Street connecting "H" Street with "G" Street in the city of Fresno. In its answer to the complaint defendant denies all allegations and asks for a dismissal.

A hearing was held in Fresno on March 31, 1916. The city, through its authorities, is not a party to this proceeding; and it developed from the testimony of Mayor Snow that the city of

Fresno is not prepared to pay a portion of the cost of the construction of a subway at Monterey Street if the Commission should make such an order. It also developed that there would be strong opposition from property owners and citizens of Fresno if the construction of a subway at Monterey Street would result in the closing of the present grade crossing of Cherry Avenue; and it became clear that a considerable number of people would favor an undercrossing at Cherry Avenue rather than a diversion of the State Highway travel to Monterey Street and a separation of grades at the point indicated in this complaint.

I am of the opinion that this question of the establishment of a safe main highway entrance into the city of Fresno from the south is of such importance to that city as to merit most careful investigation, and should not be solved without the fullest co-operation of the city authorities, the carriers, and this Commission.

A thorough study of the problem in all its aspects, it is evident, has not been made by petitioner, and the city is not officially interested in this case. These facts were recognized at the hearing and an agreement was reached by which the city undertook to bring the matter before the Commission in a formal way within a reasonable period of time, failing which the Commission would institute an investigation on its own motion. With this understanding, complainant agreed that the present case should be dismissed; and I recommend to the Commission that the complaint be dismissed without prejudice.

I recommend the following order:-

O R D E R

"H" Street Property Owners Association of Fresno, having made its complaint to the Commission that the grade crossings of the Southern Pacific Company's railroad at the southern entrance of the State Highway into the city of Fresno are a menace to

public safety and that this menace should be eliminated by the construction of a subway at Monterey Street connecting "H" Street with "G" Street in Fresno; and a public hearing having been held, and an agreement having been reached by which the city authorities of Fresno will undertake to make formal application to the Commission in this matter, failing which the Commission will institute proceedings on its own motion; and it further appearing that the present complaint should be dismissed;

IT IS HEREBY ORDERED, That the complaint be, and the same is, hereby dismissed without prejudice.

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 7th day of April, 1916.

Alfred G. Gordon
Edwin O. Edgerton
Frank R. Doherty
Commissioners.