

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
THE COUNTY OF FRESNO for permission to
construct and maintain a public highway
crossing over the right of way and
tracks of Southern Pacific Company, near
the City of Selma.
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ORIGINAL

Application No. 2243.

Decision No. 3477

Charles Wells for applicant.

C. J. McDonald for Southern Pacific Company.

GORDON, Commissioner,

O P I N I O N .

The road on which the County of Fresno desires to construct the crossing covered by this application is a north and south road, 40 feet in width, between township lines and Sections 36 and 31, Township 15 South, Range 21 E and Township 15 South, Range 22 East. It has been recently opened from the track northward in which direction it extends one mile to a junction with an east and west county road.

The Southern Pacific Company's track runs through sections 36 and 31 in a northwesterly and southeasterly direction making an angle of about 45 degrees with the section lines and on the westerly side of the track and adjacent to it is the state highway which applicant desires to reach by means of this crossing.

It appears that the opening of this road and the crossing now under consideration was brought before the Board of Supervisors by petition sometime in 1914 although the application for the crossing was filed with the Commission less than two months ago.

The nearest existing crossings are about $\frac{3}{4}$ of a mile to the northwest and $\frac{1}{2}$ mile to the southeast, but there are two private crossings between these public crossings, one of them being about 100 feet northwest and the other about $\frac{1}{4}$ of a mile southeast.

It was brought out at the hearing that the petition to the Supervisors contained some eighteen names but that several of the signers were non-residents of the immediate territory to be served by this crossing, others have moved away and that only about 1/3 of the signers would in any way be benefited by this crossing. Even these, it appears, now cross the track at the private crossings and no assurance has been given that these private crossings would be closed if the application were granted and a public crossing opened. It does not seem to me, under these circumstances, that public necessity and convenience requires the granting of this application at this time. Possibly developments in the future will make it reasonable for a crossing at this point. I recommend the following form of order.

O R D E R.

COUNTY OF FRESNO, having applied to the Commission for permission to construct a public highway crossing over the track of Southern Pacific Company, near the City of Selma; a public hearing having been held, and it appearing that public necessity and convenience do not now make it necessary to open the crossing applied for,

IT IS HEREBY ORDERED, that this application be and the same hereby is denied.

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 June, 1916.

Max Thelmer
H. B. Rowland
W. G. Gordon
Edwin C. Edgerton

Commissioners.