

**ORIGINAL**

Decision No. 399

In the matter of the application of the  
 Southern Pacific Company, a corporation, for  
 permission to construct a spur track at grade  
 across a public highway called Nielson Avenue,  
 City of Fresno, Fresno County, California.

Application No. 345.

ORDER

By the Commission.

The Southern Pacific Company, a corporation, having on December 31st, 1912, filed with the Commission an application for permission to construct a spur track across Nielson Avenue, a public highway in the city of Fresno, Fresno County, California, as hereinafter indicated; and it appearing to the Commission that this is not a case in which a public hearing is necessary; that applicant has secured a necessary permit or franchise from the Board of Trustees of the City of Fresno, authorizing the construction of said spur track at grade across said Nielson Avenue; and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said avenue, and that the application should be granted subject to the conditions hereinafter specified.

IT IS HEREBY ORDERED that permission be heroby granted the Southern Pacific Company to construct a spur track at grade across Nielson Avenue, City of Fresno, Fresno County, California, and on the south side of its main line to serve the property of Fresno Canal & Irrigation Company, as stated in the application and shown by the map attached thereto subject to the following conditions, viz:

(1) The entire expense of constructing the crossing together with its maintenance hereafter in good and first class condition for the safe and convenient use of the public shall be borne by the applicant.

(2) Said crossing shall be constructed of a width not less than twenty four (24) feet with grades of approach not exceeding eight (8) per cent, and shall be ballasted to a depth of not less than six (6) inches with first class gravel or stone ballast.

(3) 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 demands such action.

Dated at San Francisco, California, this 8<sup>th</sup> day of January, 1913.

John M. Eashleman

Her Gordon

Edwin C. Edgerton

Commissioners.

