

Decision No. _____

ORIGINAL

Decision No. 4115

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application
of the COUNTY OF FRESNO for permis-
sion to construct and maintain a
public highway crossing over the
right of way and tracks of the
CENTRAL PACIFIC RAILWAY COMPANY,
near Herndon, Fresno County, Cali-
fornia.

Application No. 2678.

Chris Jorgenson for applicant.
Geo. D. Squires for Southern
Pacific Company.

BY THE COMMISSION:

O P I N I O N.

A public hearing on above application
was conducted by Myron Westover, Examiner, at Fresno, Feb-
ruary 14, 1917.

By it the County of Fresno applies
for authority to construct a public crossing 80 feet wide
at grade over the tracks of the Southern Pacific system,
owned by Central Pacific Railway Company, at a point near
the common corner of Sections 3, 4, 9 and 10 in Township
13 South, Range 19 East, M.D.B. & M. in Fresno County,
about midway between the present crossing at Herndon and
the present crossing about three miles southeast of Hern-
don.

The proposed crossing is to be constructed

in connection with a proposed 80 foot boulevard which will extend from the vicinity of a subdivision known as Westacres, along the southerly line of what is known as the Herndon lands and across the State Highway and the Southern Pacific tracks to Bullard on the Santa Fe, and on to Clovis. It will also connect with Van Ness Avenue, leading to Fresno.

The 1000 acres in Westacres tract has been subdivided into 10, 20 and 40 acre tracts and about 90% of it sold. There are about 15 families located on the tract at present, many of them using the shipping facilities at Bullard and the school and civic center located there.

The Herndon lands consisting of about 1700 acres immediately west of the State Highway and Southern Pacific, and the Fresno Suburban Homes tract consisting of about 7200 acres located just east of the State Highway and the Southern Pacific tracks, are being subdivided, leveled, planted and sold in small tracts.

There is considerable travel now which would use the proposed crossing if opened, and apparently much more travel will rapidly develop. Thirteen regular trains pass over the proposed crossing daily, nine of them passenger trains, and also an average of four extra freight trains.

The point of crossing is at the highest point in the vicinity. The surrounding country is level. There are no obstructions to the view. The railroad right of way is 150 feet wide extending from the center line of the single track 100 feet east and 50 feet west. Adjoining and paralleling the crossing on the west is the State Highway, 60 feet wide. This will assure a clear view of the crossing on approaching the tracks from either direction for a distance of 100 feet, or more, even after the fig orchards and olive trees along the boulevards which are being planted become large.

The crossing applied for would cross the

tracks/^{at} an acute angle of about 45°. The undisputed testimony is that a crossing at right angles is the most economical and safest type of grade crossing. An inspection of the ground also shows that a point of crossing about 100 feet to 150 feet north of the point proposed would have the advantage of level ground, and therefore better grade, approaches and view, and would avoid the necessity for a cut of about four feet.

The Southern Pacific Company operating the railroad to be crossed offers no objection to the crossing, but prefers a right angle crossing and suggests installing an advance sign on the east side.

It appears from the testimony that the proposed crossing will aid materially in the development of the surrounding country, be a public convenience to those living in the vicinity and will involve only the minimum amount of risk to the traveling public.

The application is therefore granted with the modifications shown in the order.

O R D E R.

THE COUNTY OF FRESNO having applied to the Railroad Commission for authority to construct and maintain a public highway crossing 80 feet wide over the right of way and tracks of the Central Pacific Railway Company at a point near Herndon, Fresno County, said crossing being shown on diagram attached to the application as an exhibit, and a public hearing having been held thereon, and it appearing that public convenience requires the establishment of such a crossing.

IT IS HEREBY ORDERED BY THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA that permission be and the same is hereby granted to Fresno County, California, to

construct a public highway crossing 80 feet wide at grade over the tracks of the Central Pacific Railway Company at a point where the ground is level, from 100 to 150 feet north of the location applied for as shown on diagram attached to the application as an exhibit. The authority hereby granted is subject to the following conditions:

(1) The entire expense of constructing the crossing shall be borne by applicant.

(2) The expense of maintaining the crossing up to a line two (2) feet outside the rails of the Central Pacific Railway Company shall be borne by applicant. The expense of maintaining the crossing between the rails and to a line two feet outside thereof shall be borne by the Central Pacific Railway Company.

(3) The crossing shall be constructed of a width of not less than eighty feet and with grades of approach not exceeding four (4) percent, shall be protected by suitable cattle guards, crossing sign, and also by an advance warning sign of a type recommended by the Commission located about 300 feet east of the crossing on the north side of the boulevard. The crossing shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(4) 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.

Dated at San Francisco, California, this 19th day of February, 1917.

May Thelen
H. D. Loveland

Frank P. Barber
Commissioners.