

ORIGINAL

Decision No. 5993.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the COUNTY OF FRESNO, in the State of California, for a permit 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, California.

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) Application No. 4151.
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Chris Jorgensen for County of Fresno.
Frank B. Austin for Central Pacific Railway Company.

GORDON, Commissioner.

O P I N I O N

On October 10, 1918, the County of Fresno filed with the Commission a petition asking permission to cross the tracks of the Central Pacific Railway Company at grade at G Street, in the Town of Herndon, County of Fresno, State of California. On December 2, 1918 a hearing was held at Fresno, California, in which both interested parties were represented.

As laid out, the townsite of Herndon lies on both sides of the right of way of the Central Pacific Railroad Company. The main portion of the town, consisting of the business and residence section, lies on the easterly side of the track and to the north of the crossing applied for. There are only a few scattered farm houses located in this vicinity, on the west side of the track. However, a new brick grammar school has recently been constructed on the south

side of G Street, west of the track. A county road has also been built west from G Street for several miles. At the present time the State Highway crosses from the west side of the track to the east side, about eight hundred fifty (850) feet south of the proposed crossing. There is also a public road crossing at C Street, about nineteen hundred (1900) feet north of G Street. A dirt road, which is fairly well traveled, traverses what is known as Perrin Street on the railroad station plat of Herndon, between the highway crossing and C Street. The view to the south on both sides of the crossing is open for a long distance. To the north, the view is open from eight hundred (800) to one thousand (1000) feet and then it is obstructed by railroad buildings for about six hundred (600) feet, after which the view is again open for a long distance. With such conditions I believe the standard railroad crossing sign should be sufficient protection.

Under ordinary conditions, it would appear that the Town of Herndon and the surrounding country are amply served by the two existing crossings, but, inasmuch as the testimony shows that the school children wander at will by the shortest cut between the school and their homes on the east side of the track, I believe that this crossing should be granted, in order that the children may have a safe place to cross and that the responsibility in case of accident may be more definitely fixed. I recommend, at this time, that a notice be placed in the school warning the children of the danger of using the railroad tracks promiscuously and requesting them to confine their travel exclusively to the new crossing.

In view of the above, I recommend the following form of order:

O R D E R

FRESNO COUNTY having, on October 10, 1918, applied to the Commission for permission to construct a crossing at grade over the right of way and tracks of the Central Pacific Railway Company at G Street, in the Town of Herndon, County of Fresno, State of California, as more particularly described in the application and by the map attached thereto; a public hearing having been held, and it appearing that the application should be granted subject to certain conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be and the same is hereby granted the COUNTY OF FRESNO to construct a crossing at grade over the right of way and tracks of the Central Pacific Railway Company at G Street, in the Town of Herndon, County of Fresno, State of California, as more particularly described in the application and by the map attached thereto; said crossing to be constructed subject to the following conditions, viz.:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost ^{of} its maintenance thereafter in good and first-class condition, for the safe and convenient use of the public, shall be borne by applicant, except for that portion between the rails and two (2) feet outside thereof, which shall be borne by the Central Pacific Railway Company.

(2) Said crossing shall be constructed of a width of twenty-four (24) feet and of a type to conform to that portion of the street to be crossed now graded, with grades of approach not exceeding four (4) percent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(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 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 18th day of December, 1918.

Edwin O. Edgerton
H. S. Loveland
H. W. Gordon
Francis D. Dealm

Commissioners.