

Decision No. 1928.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of	)	
the COUNTY OF FRESNO for a permit to	)	
construct and maintain a public	)	
highway crossing over the right of	)	Application No. 4150.
way and tracks of the Central Pacific	)	
Railway Company near Fresno, Fresno	)	
County, California.	)	

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 Olive Avenue near Fresno, Fresno County, California. On December 2, 1918, a hearing was held at Fresno, California, at which both interested parties were represented.

From the testimony submitted by the applicant it appears that there was a crossing used by the public in this vicinity for many years and that same was removed by the Southern Pacific Company. The grade crossing survey of this section, made by the engineering department of this Commission in September 1916, shows no public crossing at this point at that time, although there may have been a private crossing.

At the present time Olive Avenue runs out of the northerly portion of the City of Fresno toward the State Highway and stops

at the right of way of the Central Pacific Railway Company, which parallels the State Highway. On the west and directly opposite, a well-used county road runs westerly for about fifteen (15) miles. Much of the traffic over the crossing will consist of ranch owners on the west side, who live in the residence section of North Fresno on the east side of the track. The nearest crossing to the south is at Belmont Avenue, which is one-half of a mile south.

The Central Pacific Railway Company has no objection to the installation of the crossing, except as to the matter of protection. They consider the usual standard crossing sign sufficient. It appears that the view on the northeast corner of the crossing is badly obstructed to the north by a knoll, when persons are approaching the crossing from the east side at a distance of from 100 to 200 feet from the crossing. At present, the land east of the track is vacant for about one-quarter to one-half of a mile distant from the track, but, at the present rate of growth of the city and the surrounding country, I am convinced that the adjoining land will soon be thickly settled and cultivated, that Olive Avenue will be paved and that the traffic thereover will be greatly increased. The railroad company recommended that the crossing be opened as a right-angled crossing, adjacent to the tracks of the Fresno Traction Company and about 175 feet south of the location applied for, this location affording a better view to the north from the east side. As the location recommended would make three turns for automobiles going through east or west, I do not see much advantage in the proposed change.

I believe that the application for a crossing should be granted and that same should be protected by an automatic flagman. The cost of installation of automatic flagman should be shared

equally by the applicant and the Central Pacific Railway Company.

I recommend the following form of order:

ORDER

FRESNO COUNTY having, on October 10, 1918, applied for permission to construct a crossing at grade over the right of way and tracks of the Central Pacific Railway Company at Olive Avenue, near the City of Fresno, County of Fresno, State of California, as shown by the map attached to the application; a public hearing having been held, and it appearing that this application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, That the COUNTY OF FRESNO be and the same is hereby authorized to construct a crossing at grade across the right of way and tracks of the Central Pacific Railway Company at Olive Avenue, near the City of Fresno, County of Fresno, State of California, as shown by the map attached to the application; said crossing to be constructed subject to the following conditions, and not otherwise:

(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 not less than twenty-four (24) feet and of a type to conform to that portion of the avenue to be crossed now graded, with grades of approach not exceeding four (4) percent.

(3) Said crossing shall be protected by an automatic flagman and a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic. The cost of installing the automatic flagman shall be divided equally between the applicant and the Central Pacific Railway Company. The cost of its maintenance thereafter, in good and first-class condition, shall be borne by the Central Pacific Railway Company.

(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.

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 21st day of December, 1918.

Edwin O. Edgerton  
H. D. Howard  
Alvin G. ...  
Frank R. ...

Commissioners.