

Decision No. 6349.

ORIGINAL

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 per-)
mit to construct and maintain a)
public highway crossing over the) Application No. 4417.
right of way and tracks of The)
Atchison, Topeka & Santa Fe Rail-)
way at Adams Avenue, Fresno)
County, California.)

W. A. Collins for County of Fresno.
Robert Brennan for United States Railroad
Administration-Atchison, Topeka &
Santa Fe Railway.

MARTIN, Commissioner.

O P I N I O N

On March 8, 1919, the County of Fresno filed with the Commission an application asking for permission to construct a crossing at grade over the tracks of the Piedra Branch of the Atchison, Topeka and Santa Fe Railway at Adams Avenue, near Reedley, in the County of Fresno, State of California. A public hearing was held on May 14, 1919, at Fresno, California, at which both interested parties were represented.

The crossing in question is located on the proposed extension of a county road which runs easterly about six miles from a north and south road, this latter road being about one-eighth of a mile east of the crossing. The extension of this east and west road over the railroad tracks will join another north and south road, about one-half of a mile west of the crossing. It will be necessary some time in the future for the County to construct a bridge across

the river near this point, before the road is brought to its full use. The County of Fresno asks that this crossing be installed in order to enable some twenty to thirty children living on the west side of the railroad tracks to reach the Fink School, which is located at the cross roads just east of the crossing applied for. At the present time many of these children walk across the fields and over the railroad right of way, by crawling through the railroad fences. Unless they trespass in this manner it is necessary for them to go either one mile north or south to the nearest railroad crossings on public county roads. The country in this vicinity is growing very rapidly in population and more and more school children are expected to attend this school as time goes on.

The United States Railroad Administration, operating the Atchison, Topeka and Santa Fe Railway, offers no objection to the granting of the application, providing that the expense of installing the crossing, together with an automatic flagman (if the Commission considers such protection necessary), be borne by the applicant. The crossing is located in a level, open country, and as the railway company operates very few trains over this branch, I do not believe that any protection outside of the standard crossing sign is necessary at the present time.

I recommend the following form of order:

ORDER

COUNTY OF FRESNO having applied to the Commission for permission to construct a crossing at grade over the tracks of the Piedra Branch of the Atchison, Topeka and Santa Fe Railway at Adams Avenue, near the City of Reedley, County of Fresno, State of California, as shown by the map attached to the application; a public hearing having been held and the Commission being fully apprised in the premises;

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 tracks of the Piedra Branch of the Atchison, Topeka and Santa Fe Railway at Adams Avenue, near the City of Reedley, 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, viz.:

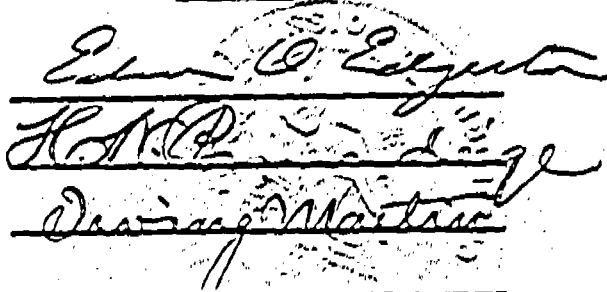
(1) The entire expense of constructing the crossing shall be borne by the applicant. The expense of its maintenance thereafter in good and first-class condition, for the safe and convenient use of the public, shall be borne by the applicant, except that portion between the rails and two (2) feet outside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

(2) Said crossing shall be constructed twenty-four (24) feet in width, with grades of approach not exceeding two (2) per cent; 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 23rd day of
May, 1919.



Commissioners.