

Decision No. 6838.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the application of the)
COUNTY OF FRESNO, in the State of Cali-)
fornia, for a permit to construct and)
maintain a public highway crossing over) Application No. 4579.
the right of way and tracks of the Sou-)
thern Pacific Railroad Company at Magnolia)
Avenue, in the County of Fresno, California.)

H. J. Carlin and Charles Wells for Fresno County.

Harry J. Hennessy for United States Railroad
Administration - Southern Pacific Company.

MARTIN, Commissioner.

O P I N I O N

This is an application by Fresno County for an order by this Commission permitting the construction of Magnolia Avenue at grade over the tracks of the Kerman-Armona line of the Southern Pacific Company on the east and west center line of Section 28, T. 16 S. R. 20 E., M. D. B. & M.

Magnolia Avenue is an east and west road running east from Elm Avenue for about four miles, along the half section lines. Elm Avenue is a main north and south road about 1000 feet east of the crossing desired. It crosses the railroad track, which runs in a northwest and southeast direction, through Section 28, about one-eighth of a mile south of Magnolia Avenue. Center Avenue, a main east and west road extending west of Elm Avenue for four miles and

east of Elm Avenue about fourteen miles to Kingsburg, runs along the north line of Section 28 and crosses the railroad about three-quarters of a mile west of Elm Avenue. These two crossings are distant 1450 feet and 3635 feet, respectively, measured along the railroad track from the proposed crossing.

The object of the county in applying for this crossing is to allow the land owners in Section 28, lying southwest of the railroad, an outlet to Elm Avenue, which is to be paved in the near future as part of a system of concrete county highways.

There are at present, according to the County Assessor's plats, only four land owners in this section, three of which own land abutting on Center Avenue. The other holding, consisting of the entire south half of section, abutts on Elm Avenue south of the railroad. Section 33, south of Section 28, has ten land owners. Several of these holdings have no means of access to any county road.

It was recommended by the Commission's engineering department that either Magnolia Avenue be constructed through Section 28, up to the southwest right of way line of the railroad, and then continued southeast parallel with the railroad to Elm Avenue, or that a similar north and south road be built through the section to connect with Center Avenue. There is at the present time a county road parallel with the railroad along the southwest right of way line, from Raisin City to Caruthers, about three miles distant from the proposed crossing. It seems reasonable to assume that in the future this road may be extended, as roads that are parallel with the railroad generally afford the shortest routes between the various railroad stations and towns. The offset recommended by the engineering department would become part of such a road.

Looking at the matter in a broader view than the convenience of the four land owners in Section 28, it appears more reasonable to construct a road running from Kingsburg through Wildflower, along the south side of Section 28 west of Elm Avenue. Such a road would not only open up the south half of Section 28, but would also be a great convenience to the land owners of Section 33 and would do away with the hazard of an additional railroad crossing.

It may be safely assumed that the ranchers in this vicinity can be amply taken care of without the construction of the crossing applied for. It is therefore recommended that the application be denied.

O R D E R

COUNTY OF FRESNO, having on May 14, 1919, filed an application with the Commission for permission to construct and maintain a public highway crossing over the right of way and tracks of the Southern Pacific Railroad Company at Magnolia Avenue, in the County of Fresno, State of California, as shown by the map attached to the application; a public hearing having been held and it appearing to the Commission that public necessity does not demand a crossing at Magnolia Avenue and that suitable county roads can be constructed which will take care of the public needs without the necessity of a crossing at this point;

IT IS HEREBY ORDERED, That this application be and

the same is hereby denied without prejudice.

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 November, 1919.

Edwin O. Egey
H. L. Lovland
Francis R. Fenwick
H. B. Boudreau
Iris M. Martin
Commissioners.