

ORIGINAL

Decision No. 6840.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
 COUNTY OF FRESNO, State of California,)
 for permit to construct and maintain)
 a public highway crossing over the) Application No. 4578.
 right of way and tracks of the South-)
 ern Pacific Railroad Company at Marks)
 Avenue, Fresno County, California.)

E. J. Carlin, Assistant District Attorney,
for applicant.

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

MARTIN, Commissioner.

O P I N I O N

In this application Fresno County seeks permission to construct a crossing at grade over the tracks of the Kerman-Armona line of the Southern Pacific Company at Marks Avenue, between Section 7, T. 15 S., R. 20 E., and Section 12, T. 16 S., R. 19 E., M. D. B. & M., about one mile northwest of Caruthers.

Marks Avenue is a north and south county road extending practically from a point opposite the southern city limits of Fresno to Riverdale, near the Kings County line. This road has not been improved in the past, on account of the lack of the crossing applied for. Many years ago there was a crossing at this point, but it was fenced in by a rancher to keep stock from getting on to the railroad right of way and has never been reopened.

The nearest north and south road on the east is West Avenue, which runs south of the proposed crossing for only two miles. To the west of Marks Avenue the nearest through north and south road appears on the county maps as six miles distant. In the near future Fresno County contemplates paving its main highways and the north and south road to be paved in this vicinity will be Elm Avenue, three miles east of Marks Avenue.

The proposed crossing is located in a level, open country, with no obstructions to the view. There is only one regular train each way per day over this section of the track. The nearest crossings are about 4000 feet northwest at Nebraska Avenue and about 3960 feet southeast at Caruthers Avenue. Both of these roads are east and west roads. There is also a county road parallel to, and on the west side of, the railroad from Caruthers to Raisin City.

It is recommended that the application should be granted in the following form of order:

O R D E R

FRESNO COUNTY, having on May 14, 1919, filed with the Commission an application for permission to construct a public road crossing at grade across the tracks of the Southern Pacific Company at Marks Avenue, about one mile northwest of Caruthers, in the County of Fresno, State of California; and a public hearing having been held, and it appearing that the application should be granted;

IT IS HEREBY ORDERED, That the COUNTY OF FRESNO be and the same is hereby authorized to construct Marks Avenue at

grade across the tracks of the Southern Pacific Company, as shown on the map attached to the application; said crossing to be constructed subject to the following conditions and not otherwise, viz.:

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

(2) The expense of maintaining the crossing thereafter in good and first-class condition up to within two (2) feet of the tracks of the Southern Pacific Company shall be borne by applicant.

(3) The expense of maintaining the crossing thereafter between the rails and for a distance of two (2) feet outside thereof shall be borne by the Southern Pacific Company.

(4) Said crossing shall be constructed of a width of not less than twenty-four (24) feet, with grades of approach not exceeding four (4) per cent; shall be protected by a suitable crossing sign, and shall in every way be made safe and convenient for the passage thereover of vehicles and other road traffic.

(5) 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 November, 1919.

Edwin O. Edgerton
H. D. Loveland
Frank R. Helm
H. T. Brundage
Deering Martin
Commissioners.