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Decision No. 7935

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the application of The Atchison, Topeka and Santa Fe Railway Company, a corporation, and Southern Pacific Company, a corporation, for approval of two contracts covering five railroad crossings near the intersection of East Street, and California Avenue, in the City of Fresno, County of Fresno, State of California.

Application No. 5805.

By the Commission,

O R D E R.

The Atchison, Topeka and Santa Fe Railway Company, a corporation, and Southern Pacific Company, a corporation, having on June 10, 1920, filed with the Commission an application for approval of two contracts covering five railroad crossings near the intersection of East Street, and California Avenue in the City of Fresno, County of Fresno, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that applicants have entered into two agreements dated November 22, 1919 and November 24, 1919, fixing and establishing the respective rights and duties of the applicants in relation to said crossings, and providing for the safe and convenient use of same, and it further appearing that no franchise or permit for this construction is needed, and that it is not reasonable nor practicable to avoid a grade crossing at the intersection of said railroads; and that this application should be granted subject to the conditions hereinafter specified.

IT IS HEREBY ORDERED, That application for approval of two contracts covering five grade crossings near the intersection of East Street and California Avenue and the City of Fresno, County of Fresno, State of California, as shown by the maps attached to the application, be and the same is hereby granted The Atchison, Topeka and Santa Fe Railway Company, a corporation, and Southern Pacific Company, a corporation, subject to the following condition, viz:-

(1) 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.

Dated at San Francisco, California, this 29th day of July, 1920.

Edwin A. Edgerton

A. D. Loveland

Frank R. Owen

Commissioners.