

Decision No. 8464**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 way and tracks of the
Biola Branch of the Fresno Traction
Company at Bishop Avenue, Fresno
County, California.

Application No. 5775

Ray W. Hayes for Fresno County.

E. A. Devereaux for Fresno Traction Company.

By the Commission.

O P I N I O N

This is an application by the Board of Supervisors of Fresno County for an order authorizing the construction of a county highway known as Bishop Avenue at grade across the right of way and tracks of the Biola Branch of the Fresno Traction Company which is operated by the Southern Pacific Company twice a day during six months of the year and three times a week during the remaining six months.

A public hearing was held at Fresno before Examiner Westover.

Bishop Avenue runs north and south between Sections 15 and 16, Township 13 South, Range 18 East, M. D. B. & M., and crosses the railroad about three quarters of a mile from the end of the line. The crossing is desired in order to allow the farmers of this vicinity a much shorter route over which to haul their produce to the packing houses. Altho the Division Superintendent of the Southern Pacific

sometime previous to the hearing, objected by letter to the opening of the crossing, no objection to its construction was offered by either of the interested companies at the hearing.

As the branch line over which this crossing is desired is really only an elongated fruit spur, there appears to be no reason why the application should not be granted.

O R D E R

County of Fresno having filed with the Commission an application for permission to construct a public road, known as Bishop Avenue, at grade, across the tracks of Biola Branch of the Fresno Traction Company, which is operated by the Southern Pacific Company, a public hearing having been held, and it appearing to the Commission that the application should be granted subject to certain conditions,

IT IS HEREBY ORDERED that permission be hereby granted the County of Fresno, to construct Bishop Avenue at grade over the tracks of the Biola Branch of the Fresno Traction Company, between Sections 15 and 16, Township 13 South, Range 18 East, N.D.E. & M., 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 applicant.

(2) The cost of maintaining the crossing thereafter in good and first-class condition for the safe and convenient use of the public up to two (2) feet of the rails of the Fresno Traction Company shall be borne by the applicant.

(3) Fresno Traction Company shall maintain

said crossing across its tracks and to a distance of two (2) feet outside thereof.

(4) Said crossing shall be constructed of a width not less than twenty-four (24) feet, with grades of approach not exceeding two (2) per cent; shall be protected by suitable crossing signs, 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 will revoke its permission if, in its judgment, the public convenience and necessity demand such action.

Dated at San Francisco, California, this

20th day of December, 1920.

Edwin O. Colquhoun
H. D. Loveland
H. W. Brundage
Dwight Martin
Commissioners.