

Decision No. 8468**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
of the County of Fresno, a public
corporation, in the State of
California, for a permit to con-
struct and maintain a public high-
way crossing the right of way and
tracks of the Southern Pacific
Railroad near Fresno, Fresno County,
California.

Application No. 6164

Ray W. Hays for applicant,
F. L. Chelgren for Southern Pacific 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 highway known as Teague Avenue at grade across the right of way and tracks of the Southern Pacific Company on the east and west center line of Section 25, Township 12 South, Range 20 East, M. D. B. & M.

A public hearing was held at Fresno before Examiner Satterwhite on November 22, 1920.

Section 25, through which Teague Avenue runs, has been subdivided and sold off in lots under the title of the Garfield Park Colony. This section and the sections surrounding it are all highly cultivated. The section is well served by county roads. Sheperd Avenue, an east and west road, runs along the north line of the section. The district school is located on this avenue

one mile east of Willow Avenue, which runs north and south along the east line of the section. Maple Avenue runs along the west line of the section and another road, name unknown, runs along the south line of the section. In addition to these roads, Chestnut Avenue runs north and south through the center of the section and Teague Avenue runs east and west along the half section line.

The Friant Branch of the Southern Pacific Company coming from Clovis, about two and one-half ($2\frac{1}{2}$) miles to the southeast of Section 25, crosses Willow Avenue about one eighth ($1/8$) of a mile south of Teague Avenue and turning to the north parallels Willow Avenue along its westerly side. It is desired that an outlet be opened across the railroad to Willow Avenue via Teague Avenue.

Testimony shows that six families live on Teague Avenue between Chestnut Avenue and the proposed crossing. In order to reach the school house at Sheperd and Clovis Avenues, children of four of these families must travel from one-half ($\frac{1}{2}$) to three quarters ($3/4$) of a mile of country road more than would be necessary if the proposed crossing were opened. Likewise in hauling fruit to Clovis, the additional distance required to be covered by team or truck via Chestnut Avenue, instead of by Willow Avenue, places an added cost on the farmers of Twenty-five (25) Cents per ton. Mail delivery would also be rendered more convenient if the crossing were opened.

The Southern Pacific Company's engineer testified that only four families would benefit by the crossing, as two of the six families live at the intersection of Chestnut and Teague Avenues. Attention was called to the existing crossings on Willow Avenue, about thirteen hundred (1300) feet south of Teague Avenue, and at Sheperd Avenue, about twenty-six hundred and seventy (2670) feet north of Teague Avenue, and to the fact that in order

to reach Clovis via the proposed crossing, it will be necessary for the residents of Section 25 to cross the railroad twice, whereas, at the present time, they only cross it once.

Generally the Commission is opposed to the opening of crossings in such close proximity to each other, but in this case it appears that these people require a direct outlet to Willow Avenue. The closeness of the crossing on Willow Avenue cannot be given as much weight in this case as is usually given, as it is not an outlet for an east and west road but is caused by the railroad swinging to the southeast, across a north and south road. As there are seldom more than three trains a day in each direction over this line and as the crossing lies in level open country, the hazard created by opening Teague Avenue appears to be outweighed by public convenience and necessity.

The application should be granted, subject to the usual conditions.

O R D E R

County of Fresno having on September 29, 1920 filed with the Commission an application for permission to construct a public road, known as Teague Avenue, at grade across the tracks of the Friant Branch of the Southern Pacific Company, as hereinafter indicated, 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 Teague Avenue at grade over the tracks of the Friant Branch of the Southern Pacific Company on the east and west center line of Section 25, Township 12 South, Range 20 East, M. D. B. & 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 Southern Pacific Company shall be borne by the applicant.

(3) Southern Pacific 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
December
of November, 1920.

Edwin O. Edgerton

H. J. Howard

H. B. Bourdige

Dwight Martin
Commissioners.