

ORIGINAL

Decision No. 8630

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the COUNTY OF FRESNO, in the)
State of California, for a permit)
to construct and maintain a public)
highway crossing over the right of)
way tracks of The Atchison, Topeka)
& Santa Fe Railroad Company near)
Fresno, Fresno County, California.)

Application No. 6022.

Ray W. Hays, for County of Fresno.

James Gallagher, for Atchison, Topeka
& Santa Fe Railroad, Protestant.

BY THE COMMISSION:

O P I N I O N

The County of Fresno applies for authority to construct a public highway crossing at grade over the tracks of The Atchison, Topeka and Santa Fe Railway Company near Fresno as a part of the proposed improvement of University Avenue.

A public hearing upon the application was held by Examiner Westover at Fresno.

Blackstone Avenue is one of the principal north and south arteries of travel to and from Fresno, and is the only paved street in the vicinity. The territory to the west of it in the vicinity of the proposed crossing is subdivided residence territory; the property to the east

of it is not developed or subdivided, but is used for vineyard and ranch purposes. The Santa Fe tracks in the vicinity of the proposed crossing extend northwest and southeast, the point of the proposed crossing being about 500 feet west of Blackstone Avenue. There are crossings now at McKinley Avenue and Weldon Avenue, which are but about one-fourth of a mile apart, with the proposed University Avenue crossing about midway between them. All three crossings are at grade and in open, level country.

The principal reason advanced for the desire to construct a third crossing is that University Avenue is to be widened and parked, and it is desired to use it as a convenient and imposing approach to the State Normal School west of the railroad tracks, and to the High School two blocks farther west. Pupils attending the Normal School from the territory to the north reach it over the Weldon Avenue crossing, and approach the school from the rear. Those approaching from the south or southeast use the more dangerous McKinley Avenue crossing to the south, or, for greater safety, use the Weldon Avenue crossing to the north, and approach the school from the rear instead of from the front.

The McKinley Avenue crossing, the southerly one of the two present crossings, is surrounded by buildings and is very hazardous because of obstruction to view and the handling of trains from the interchange track used in connection with the Fresno Interurban line's track on McKinley Avenue and crossing Blackstone Avenue.

The railroad company plans to construct during the year a passing track over University and Weldon Avenues, and a spur track for an industry to be located

between McKinley and Weldon Avenues on the east side of its right of way. These two additional tracks will materially increase the hazard to safety at the proposed University Avenue crossing. The use of the proposed route northerly on Blackstone Avenue and westerly on University Avenue to the Normal School and High School would require crossing the tracks on Blackstone Avenue at a point about 300 feet south of McKinley Avenue, and again crossing them at University Avenue. The present route to and from Fresno requires crossing the tracks twice whether the Weldon or McKinley Avenue crossing be used. A far safer route for approach from the south would be to turn to the west from Blackstone Avenue on Home Avenue just before crossing the tracks on Blackstone Avenue, continuing west to Del Mar Avenue (which is soon to be opened), and thence north to University Avenue at a point just east of the Normal School. This route could be greatly shortened, however, by constructing a road about 500 feet long, adjoining the railway right of way on the southwest, which would connect Blackstone Avenue with McKinley Avenue and avoid all crossings in traveling to and from Fresno. The route would be still further shortened by extending the road or street to University Avenue.

Because of the increasing hazards to the traveling public at grade crossings, additional crossings should not be opened in the absence of a strong showing of public convenience and necessity. The evidence, in our judgment, does not justify the establishment of the proposed crossing, unless the McKinley Avenue crossing be closed.

ORDER

A public hearing having been held upon the above application, it being submitted and now ready for decision,

IT IS HEREBY ORDERED, that the County of Fresno be, and it is hereby, granted permission to construct a crossing upon University Avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway as shown on the map attached to the application, but subject to the following conditions, and not otherwise:

- 1.- The dangerous crossing at McKinley Avenue is to be abandoned and closed to public travel and McKinley Avenue is to be connected with Blackstone Avenue by roads or streets adjacent to and west of the right of way of the railroad.
- 2.- The entire expense of constructing the crossing shall be borne by the applicant.
- 3.- The cost of maintaining the crossing thereafter in good and first-class condition for the safe and convenient use of the public up to within two feet of the rails of The Atchison, Topeka and Santa Fe Railway Company shall be borne by the applicant.
- 4.- The Atchison, Topeka and Santa Fe Railway Company shall maintain said crossing across its tracks and to a distance of two feet outside thereof.

5.- Said crossing shall be constructed of a width not less than twenty-four feet, with grades of approach not exceeding four 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.

6.- 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.

7.- The installation of said crossing shall be made within one year from the date of this order unless further time is granted by subsequent order herein, and unless so completed within the time specified the authority herein granted shall lapse and become void.

8.- The Commission shall be notified in writing of the completion of the installation of said crossing within thirty days thereafter.

Dated at San Francisco, California, this 21st
day of February, 1921.

W. J. Longland
Frank E. Blum
H. B. Brundage
Wm. J. Masters
Robert H. Howe
Commissioners.