

Decision No. 26936.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the
People of the State of California, on relation
of the Department of Public Works, for an
order authorizing the alteration of, and in-
stallation of traffic signals at, the crossing
at grade of Cherry Avenue and the tracks of
the Southern Pacific Railroad, in the City of
Fresno, County of Fresno, California. } Application No. 19385.

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, Division of Highways, on April 5, 1934, applied for authority to alter and install signals at the public grade crossing of Cherry Avenue across the tracks of Southern Pacific Company, in the City of Fresno, County of Fresno, California.

The Department of Public Works and the City of Fresno are widening Broadway and Cherry Avenue through the said city as an integral part of Highway Route No. 4, the main route through San Joaquin Valley. The widening of the Cherry Avenue crossing is a necessary part of this project. It appears that the parties are not in agreement as to the type of signals to be installed thereat, therefore this phase of the application will be handled by supplemental order.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said tracks at the point mentioned and that the application should

be granted,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, are hereby authorized to alter and widen the grade crossing of Cherry Avenue over the tracks of Southern Pacific Company (Crossing No. B-206.5) at the location as shown by the maps (Exhibits "A" and "B") attached to the application, subject to the following conditions and not otherwise:

- (1) The entire expense of altering and widening the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.
- (2) The crossing shall be constructed substantially in accordance with the plan shown on Exhibit "B" attached to the application.
- (3) Applicant shall file for the Commission's approval within ninety (90) days from the date hereof a plan or set of plans of proposed method of automatic signal protection of said crossing.
- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the alteration and widening of said crossing and of its compliance with the conditions hereof.
- (5) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (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 to revoke its permission if, in its judgment, public convenience and necessity demand such action.

The authority herein granted shall become effective on

the date hereof.

Dated at San Francisco, California, this 9th day
of April, 1934.

CC Leary
Leon Whiteley
WJ Lee

MB Kamin
Walter Mers