

Decision No. 27075.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
the CITY OF FRESNO, a municipal
corporation, for the construction
and establishment of a crossing over
the tracks and right of way of the
Southern Pacific Railway Company.

Application No. 19395.

ORIGINAL

BY THE COMMISSION:

O R D E R

The City Council of the City of Fresno, County of Fresno, State of California, on April 12, 1934, applied for authority to construct a public street known as Cherry Avenue at grade across a spur track of Southern Pacific Company in said City of Fresno. Southern Pacific Company, on May 4, 1934, signified, in writing, that it has no objection to the construction of said crossing at grade.

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 track at the point mentioned and that the application should be granted,

IT IS HEREBY ORDERED that the City Council of the City of Fresno, in the County of Fresno, State of California, is hereby authorized to construct Cherry Avenue at grade across a spur track of Southern Pacific Company at the location more particularly described in the application and as shown by the maps (Exhibits "A" and "B") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. BS-206.63-C
- (2) The entire expense of constructing 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.
- (3) The crossing shall be constructed of a width of not less than fifty (50) feet and at an angle of approximately forty-five (45) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72; shall be protected by two (2) Standard No. 1 crossing signs, as specified in our General Order No. 75-4; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) No train, engine, motor or car shall be operated over said crossing unless traffic on the highway is protected by a member of the train crew or other competent employee acting as flagman.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) 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.
- (7) 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 21st
day of May, 1934.

Leo J. Whelan
Leo Whelan

M. J. ...

M. B. ...

M. ...

Commissioners.