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Decision No. 20583

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 of the Southern
Pacific Railway Company within the
City of Fresno.

Application No. 20750

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 of the Southern
Pacific Railway Company within
the City of Fresno.

Application No. 20752

ORIGINAL

Claude L. Rowe, City Atty., for applicant.
Wm. Riseden, for Southern Pacific Co.,
interested party.

BY THE COMMISSION:

OPINION

In application No. 20750 the City of Fresno requested permission to construct "T" Street at grade across the Clovis Branch of Southern Pacific Company, in said City. The Commission in its Decision No. 29223, dated October 26th, 1936, granted authority to construct said crossing with the condition that applicant should install two No. 3 wigwags as specified in General Order No. 75-A of the Commission.

In application No. 20752, the City of Fresno requested permission to construct "S" Street at grade across the Clovis Branch of Southern Pacific Company, in said city. The Commission in its Decision No. 29224, dated October 26th, 1936, granted authority to construct said crossing with the condition that applicant should install two No. 3 wigwag signals as specified in General Order No. 75-A of the Commission.

The above decisions were rendered without holding a public hearing.

The City of Fresno, through its City Attorney, on November 16, 1936, filed a letter with the Commission protesting the installation of wigwag signals at the proposed grade crossings of "S" and "T" Streets, and asked that the matters be reopened for public hearing.

The Commission in its order reopening proceedings for hearing, dated January 18, 1937, set aside Decisions Nos. 29223 and 29224 and reopened the matters for hearing.

A public hearing was held in these matters before Examiner Ward Hall, in Fresno, on February 17th, 1937, at which time the matters were consolidated for hearing and determination.

In the vicinity of the proposed crossings the Clovis Branch of Southern Pacific Company runs in a northerly and southerly direction. Parallel to and east of the right of way is Angus Street. "S" and "T" Streets are located west of the railroad right of way and run in a general southeasterly and northwesterly direction and approximately 400 feet apart. It is the proposal of applicant to extend both these streets southeasterly at grade across the railroad to connections with Angus Street, thus providing direct connection to the south. Mono and Inyo Streets, which run at right angles to "S" and "T" Streets, cross the railroad in the vicinity of the proposed crossings. It is the contention of applicant that the proposed crossings of "S" and "T" Streets are needed for a direct entrance to Angus Street and points to the south. It was pointed out that the use of the Mono and Inyo Street crossings requires several sharp turns to be made by vehicles to reach Angus Street. Testimony shows that the traffic over the proposed crossings would be relatively light.

For three months of the year there is an average of 4

freight train and 12 switching movements over the proposed crossings and for the remainder of the year there is an average of 2 freight train and 8 switching movements. The speed of the freight trains is not over 20 miles per hour and the switching movements average from 4 to 10 miles per hour.

Applicant protested the installation of wigwag signals at these crossings as prescribed in Decisions Nos. 29223 and 29224 on the ground that the amount of traffic, both rail and vehicular, is relatively small; that the train movements are relatively slow; and that the cost of such installations is not justified.

Southern Pacific Company does not protest the granting of these applications.

The opening of "S" and "T" Streets over the Clovis Branch would make an easterly outlet to Angus Street to those residing west of the railroad. These people now have a northerly outlet to Angus Street by way of Mono and Inyo Streets, both of which cross the railroad. It is apparent that it would be more convenient for these people to use "S" and "T" Streets to reach Angus Street and points south than through Mono and Inyo Streets. The distance of travel would be somewhat shortened and one right angle turn and one acute angle turn would be eliminated by the use of the "S" or "T" Street route.

Due to the relatively small amount of vehicular traffic and the small amount and low speed of rail traffic, it appears that the installation of wigwag signals is not justified at this time.

The record indicates that public convenience and necessity requires the installation of said crossings at grade, and it will be so ordered.

O R D E R

A public hearing having been held in the above entitled proceedings and the matters having been submitted,

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 "S" and "T" Streets at grade across the track of the Clovis Branch of Southern Pacific Company, at the locations more particularly described in the applications and as shown by the maps attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossings shall be identified as follows:
 - "S" Street—Crossing No. B.S.-207.35
 - "T" Street—Crossing No. B.S.-207.45
- (2) The entire expense of constructing the crossings shall be borne by applicant. The cost of maintenance of those portions of said crossings outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of those portions of the crossings between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.
- (3) The crossings shall be constructed of a width of not less than twenty-four (24) feet and at an angle to the railroad as shown by the maps attached to the applications, and with grades of approach not greater than two (2) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; each crossing shall be protected by a Standard No. 1 crossing sign as specified in our General Order No. 75-A, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings 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 crossings 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 8th day of March, 1937.

Michael J. Moran
Lionel Whittell
Frank R. H. H. H.
Carl Swabey
Carl Swabey
Commissioners.