

Decision No. 23849

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 construc-
 tion of a crossing at separated grades of
 the State Highway (Cherry Avenue) and the
 tracks of the Southern Pacific Railroad;
 the abolition of existing crossings at
 grade; the installation of certain cross-
 ings at grade of the relocated Clovis
 Branch of the Southern Pacific Railroad
 and certain streets in the vicinity of
 Cherry Avenue, in the City of Fresno,
 County of Fresno, State of California,
 and the exchange of certain properties
 required thereby.

ORIGINAL

Application No. 23849

BY THE COMMISSION:

ORDER

The Department of Public Works of the State of California has filed an application for an order authorizing the construction of a crossing at separated grades of State Highway Route 4 and main and branch line tracks of Southern Pacific Company at Cherry Avenue in the City of Fresno. This project involves the relocation of a portion of the Clovis Branch of Southern Pacific Company in the vicinity of the proposed grade separation, the elimination by removal of the tracks of the existing crossing of Cherry Avenue with said Clovis Branch, and the conveyance by Southern Pacific Company of several parcels of property in exchange for the right of way required in connection with the relocation of the branch line track. The reconstruction of the Clovis Branch requires certain crossings at grade with city streets in the City of Fresno. Applicant, Southern Pacific Company, and the City of Fresno are in agreement with respect to this project. Applicant proposes to finance the construction with Federal Aid Grade Separation funds apportioned to the State of California for the fiscal year of 1941.

It appears that this is not a matter in which a public hearing is necessary, therefore

IT IS HEREBY ORDERED that the Department of Public Works of the State of California is hereby authorized to construct State Highway Route 4 under the main and branch line tracks of Southern Pacific Company at the location shown by the map, Exhibit "A," attached to the application, said crossing to be identified as Crossing No. B-206.5-B. Applicant shall file with the Commission within one hundred and twenty (120) days:

- (1) Copy of an agreement entered into between the parties relative to the construction and maintenance of such crossing, and
- (2) Plans of said crossing approved by Southern Pacific Company.

IT IS HEREBY FURTHER ORDERED that applicant and Southern Pacific Company are hereby authorized to relocate a portion of the Clovis Branch of Southern Pacific Company at grade across certain streets in the City of Fresno as given below, at the locations shown on Exhibit "A" attached to the application, said crossings to be identified by the numbers as shown:

<u>Street</u>	<u>Identified As</u>
"L" Street and San Diego Avenue	- A portion of Crossing No. BS-206.6
Hamilton Street	- Crossing No. BS-206.51
Braly Street	- Crossing No. BS-206.42
Woodward Street	- Crossing No. BS-206.3
Sarah Street	- A portion of Crossing No. BC-206.73
California Avenue	- Crossing No. BC-206.7

Applicant shall bear entire construction expense. The maintenance of that portion of said crossings lying between lines two (2) feet outside of rails shall be borne by Southern Pacific Company. Protection for the grade crossings herein authorized shall be determined by subsequent order of the Commission.

IT IS HEREBY FURTHER ORDERED that upon completion of the grade separation and the grade crossings herein authorized Crossing

No. BS-206.4 of Cherry Avenue with the Clovis Branch of Southern Pacific Company shall be abolished and the rails removed from within the limits of said avenue.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company, Southern Pacific Railroad Company, and Central Pacific Railway Company are hereby authorized to convey to the State of California certain parcels of property for highway purposes referred to in the application as parcels "A," "B," and "C," and to convey to the City of Fresno a parcel designated in said application as parcel "D," all in exchange for certain other parcels required and necessary for railroad right of way in connection with the relocation of said Clovis Branch.

Within thirty (30) days after completion pursuant to this order applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within two (2) years, unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order shall be effective immediately.

Dated at San Francisco, California, this 21st day of December, 1940.

Ray Riey

Arthur J. Coe

Commissioners