

ORIGINAL

Decision No. 34210

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the )  
 COUNTY OF FRESNO, State of California, )  
 for permission to construct and maintain ) Application  
 a public highway at grade across the right ) No. 23961  
 of way and track of the Fresno Interurban )  
 Railroad at its intersection with Fifth )  
 Street in Fresno County, California. )

HENRY A. HUNTER, Deputy District Attorney, for Applicant.

ROBERT BRENNAN and M. W. REED, by M. W. REED, for The  
 Atchison, Topeka and Santa Fe Railway Company,  
 Protestant.

BY THE COMMISSION:

O P I N I O N

In this application the County of Fresno requests permission to construct Fifth Street at grade across the tracks of the Fresno Interurban Railroad (The Atchison, Topeka and Santa Fe Railway Company) in said county.

A public hearing was held in this matter before Examiner Hall at Fresno on April 30, 1941.

In the vicinity of Fifth Street, which is located in Section 35, Twp. 13 South, Range 20 East, is a subdivided area, all of which is shown on the map attached to the application.

The Fresno Interurban Railroad runs in an easterly and westerly direction along Florodora Street, and numerous north and south streets intersect this street at the railroad. Of these streets the following are now constructed across the railroad:

First Street	Crossing No. 2G-C.9
Fisher Street	" 2G-1.0
Bond Street	" 2G-1.15
Fifth Street (Not built over the railroad)	
Milbrook Street	" 2G-1.4
Eighth Street	" 2G-1.5
Ninth Street	" 2G-1.65
Eleventh Street	" 2G-1.78
Twelfth Street	" 2G-1.9

all within a distance of one mile.

Applicant contends that Fifth Street should be opened across the railroad as the territory is being developed residentially, particularly the areas to the south. It is shown, however, that there is yet a large amount of unoccupied territory. The principle witness for applicant felt that an additional crossing should be constructed so as to facilitate movement of residents back and forth across the railroad.

The nearest crossings to the one proposed are Bond Street, about 600 feet west, and Milbrook Street, about 600 feet east.

If the proposed crossing were constructed, it would be used principally by residents along Fifth Street on either side of the railroad and would obviate the necessity of these people going 600 feet to the east or west to cross the railroad.

The granting of the application was protested by the railroad on the ground that there would not be sufficient travel over the crossing to warrant the cost of its construction and maintenance, and that the existing crossings are sufficient to take care of the needs of the territory.

The railroad does not run any regular trains over this route but at times operates two round trips per day and in addition, through joint track arrangements, Southern Pacific Company also operates some freight trains in this area. It is expected, on account of the development of the bombing base a few miles to the east, that rail traffic will be materially increased.

A review of the entire record in this proceeding leads to the conclusion that due to the proximity of existing crossings, a crossing at Fifth Street would serve little public convenience and necessity, particularly due to the fact that Florodora Avenue is constructed parallel to the railroad and gives the people of this community free circulation east and west between the existing crossings, and

provides ample means for the public to get across the railroad.

It is hereby found as a fact that public convenience and necessity do not at this time require the construction of a crossing at grade of Fifth Street with the tracks of the Fresno Interurban Railroad, and the application should be denied.

O R D E R

Public hearing having been held and the matter having been submitted,

IT IS HEREBY ORDERED that the above-numbered application is hereby denied.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of May, 1911.

[Signature]  
[Signature]  
Justin F. Coover  
Frank R. Haveman  
[Signature]  
Commissioners