

ORIGINAL

Decision No. 34860

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the joint Application of)
 the City of Fresno, State of California, for)
 permission to maintain a public highway through)
 an underpass under the tracks of The Atchison,) Application
 Topeka and Santa Fe Railway Company, at the) No. 24221
 intersection of said tracks with the extension)
 of Wishon Avenue in Fresno County, California.)

BY THE COMMISSION:

ORDER

The County of Fresno and the City of Fresno jointly have made application for authority to maintain a public highway under the tracks of The Atchison, Topeka and Santa Fe Railway Company near the northerly limits of the City of Fresno. An underpass structure formerly used exclusively by the street railway cars of Fresno Traction Company exists at this point. Operation of such cars through this underpass has now been abandoned.

The underpass is of center pier construction providing space for a roadway approximately fifteen feet in width on each side of such center pier and overhead clearance of fourteen feet above the roadway. If this structure is to continue as a vehicular subway, a curb extending at least 150 feet in each direction from the pier should be provided.

IT IS HEREBY ORDERED that the County of Fresno and the City of Fresno are hereby authorized to maintain a public highway through the existing underpass under the main line track of The Atchison, Topeka and Santa Fe Railway Company at the location described in the application and as shown on the plan attached thereto, subject to the following conditions:

- (1) The entire expense of converting said structure for vehicular use shall be borne by applicants.

- (2) Applicants shall construct at their own expense a curb as shown on the plan referred to and extending for a distance of at least 150 feet in each direction along the highway from the center pier of the underpass structure.
- (3) Applicants shall file with the Commission within one hundred and fifty (150) days from the date hereof a certified copy of an agreement with The Atchison, Topoka and Santa Fe Railway Company covering the terms of operation and maintenance of said structure. Said agreement shall in effect include the provisions set forth in Paragraph V of the application as amended on November 14, 1941, and filed with the Commission on November 19, 1941.

Within thirty 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 years, unless time be extended, or if conditions are not complied with. This order shall be effective immediately.

Dated at San Francisco, California, this 16th day of December, 1941.

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 Commissioners