

Decision No. 50393**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California)
 Department of Public Works, for an order)
 authorizing construction of a crossing)
 at separated grades and the abandonment)
 of an existing crossing at grade between)
 the tracks of the Southern Pacific Company)
 main line and State Route 4 in Fresno)
 County, California, sometimes referred to)
 as Fresno Yard Overcrossing.)

Application No. 35360

In the Matter of the Application of the)
 County of Fresno, State of California, for)
 an order authorizing construction of a)
 crossing at separated grades and the aban-)
 donment of an existing crossing at grade)
 across the right of way and the tracks of)
 the Southern Pacific Company main line at)
 its intersection with Clinton Avenue,)
 sometimes referred to as Fresno Yard)
 Overcrossing, Fresno County, California.)

Application No. 35456

ORDER

By Application No. 35360, the State of California, Department of Public Works, seeks an order authorizing the construction of a grade separation and the abandonment of an existing grade crossing at the intersection of Clinton Avenue and tracks of the El Paso Route main line of Southern Pacific Company, just northerly of Fresno in Fresno County.

By Application No. 35456, the County of Fresno requests an order determining the necessity and authorizing the construction of a grade separation as well as abandoning an existing grade crossing at the same location for the project proposed in said Application No. 35360.

By a letter dated June 7, 1954, State of California, Department of Public Works, indicates its approval of the County proposal

(Application No. 35456) and requests the withdrawal of its Application No. 35360 because of elimination of said grade separation project from its nearby highway project. Therefore, it is ordered that Application No. 35360 is hereby dismissed.

On January 14, 1928, County of Fresno and Southern Pacific Company entered into an agreement which, among other stipulations, stated that the railroad would pay \$120,000 toward the construction of a grade separation whenever the Railroad Commission (now, California Public Utilities Commission) determines that it is necessary for public safety and convenience. The County has asked that this determination be made. All parties have indicated agreement in regard to necessity of construction of the separation.

The State of California, Department of Public Works, intends to construct State Route #4 (U.S. #99) as a freeway along the west side of Southern Pacific Company tracks with a separation of Clinton Avenue at this point, and it appears expedient to project the separation across the railroad at the time the freeway separation is constructed.

It appearing that public safety and convenience require said grade separation, County of Fresno is authorized to construct the crossing of Clinton Avenue, at separated grades over the track of Southern Pacific Company, near Fresno, Fresno County, at the location as shown by map (Exhibit B) attached to Application No. 35360, to be identified as Crossing No. B-201.9-A. Construction and maintenance expense shall be borne in accordance with an agreement entered into between the parties relative thereto, and copy of said agreement, together with plans of said crossing approved by Southern Pacific Company, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order. Clearances shall conform to the provisions of General Order No. 26-D.

Upon commencing construction of said grade separation, the existing grade crossing (No. B-201.9), at the intersection of said Clinton Avenue and said track of Southern Pacific Company, shall be closed.

Within thirty days after completion pursuant to this order applicant, County of Fresno, 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. The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of August, 1954.

Robert E. Mitchell
President
Justin F. Calmes
Lawrence Patten
Gene Roggens
Commissioners