

ORIGINAL

Decision No. 66657

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety,
maintenance, operation, use and
protection of the crossing at grade
of Home Avenue and the tracks of
THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY in or near the
CITY OF FRESNO.

Case No. 7733

Jayme C. Billey for The Atchison, Topeka
and Santa Fe Railway Company, and
Eugene F. Richter for the City of
Fresno, respondents.

Lawrence Q. Garcia, for the Commission
staff.

O P I N I O N

This is an investigation of the safety of the crossing at grade of the tracks of The Atchison, Topeka and Santa Fe Railway Company, designated No. 2-999.9, in the City of Fresno for the purpose among others of determining whether public safety and health require its abolition.

Public hearing was held before Examiner Rowe in Fresno on December 5, 1963. The County of Fresno although duly served failed to appear. Evidence was adduced and the matter was duly submitted for decision.

According to the testimony of the staff witness this grade crossing is very hazardous and has never been authorized by this Commission as either a public or private crossing. Respondent railroad's witness testified that he had searched the company records

and found no contract for this as a private crossing. Also the evidence was to the effect that neither the city nor the county had ever acquired the right to cross the tracks at this point and that neither had ever assumed control over this crossing as a part of any street or highway. The staff recommended that this crossing be closed to the public. Both respondents who appeared indicated acquiescence in this recommendation. No one appeared in opposition.

The Commission finds that there is no material public need for this crossing and that its use by the public creates an unreasonable public hazard. Therefore, the Commission concludes that this unauthorized grade crossing should be abolished by physical closing. The order which follows will so provide.

O R D E R

IT IS ORDERED that The Atchison, Topeka and Santa Fe Railway Company shall close the grade crossing in the City of Fresno over its tracks (being Crossing No. 2-999.9) at or near Home Avenue to all vehicular traffic within ten days after the effective date of this order by constructing fences or other proper barriers at the sole cost of respondent railway company.

IT IS FURTHER ORDERED that within thirty days thereafter said respondent shall give the Commission written notice of the completion of such closure.

IT IS FURTHER ORDERED that the investigation in Case No. 7733 is hereby discontinued.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of January, 1964.

William A. Bennett
President
City of San Francisco
George L. Grover
Frederic B. Holcomb
Commissioners