

Decision No. 80162

ORIGINAL

Application of the State of California Department of Public Works for an order authorizing the construction of an overhead crossing over the tracks of The Atchison, Topeka and Santa Fe Railway Company by State Route 41 in the City of Fresno, County of Fresno, which crossing is to be known as Ventura Avenue Viaduct.

Application No. 53268
(Filed April 14, 1972)

The State of California Department of Public Works is hereby authorized to construct a crossing at separated grades of State Route 41 over the tracks of The Atchison, Topeka and Santa Fe Railway Company in the City of Fresno, in the County of Fresno, at the location and substantially as shown by plans (Exhibit B) attached to the application, to be identified as Crossing No. 2-997.4-A.

Construction and maintenance expense shall be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement together with plans of said crossing approved by The Atchison, Topeka and Santa Fe Railway Company shall be filed with the Commission within 180 days from the date hereof. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

Clearances shall be in accordance with General Order 26D, except that during the period of construction clearances of not less than 21'4" above the top of The Atchison, Topeka and Santa Fe Railway Company's east and westbound main lines and Track No. 8 and a clearance of not less than 20'4" above the top of Industry Spur Track No. 54 are authorized, and The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Transportation Company are

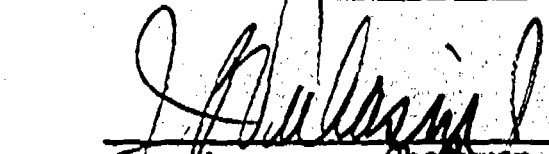
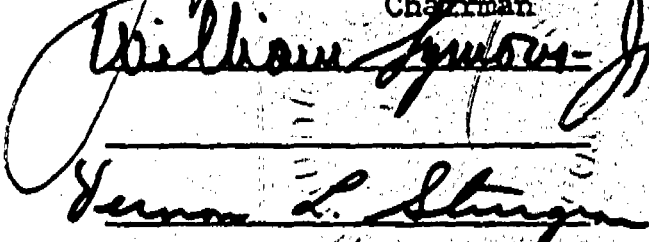

authorized to operate with such reduced overhead clearances provided that instructions are issued by the carriers and filed with the Commission forbidding employees to ride on tops of cars.

The applicant shall notify the Commission and the railroads at least 15 but not more than 30 days in advance of the date when the temporarily impaired clearances will be created.

Walkway areas adjacent to the railroad tracks shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within three years unless the time be extended or if conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require. The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13th
day of JUNE, 1972.


Chairman

Commissioners


Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.