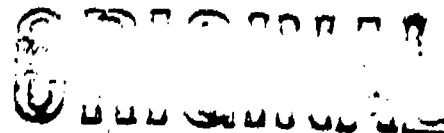


Decision No. 15610

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Pacific Electric Railway Company, a corporation, for authority to construct a spur track at grade across and upon Fifth Avenue and "A" Street, in the City of Upland, County of San Bernardino, California.



Application No. 11798.

BY THE COMMISSION:

O R D E R

Pacific Electric Railway Company, a corporation, filed the above-entitled application with this Commission on the 9th day of October, 1925, asking for authority to construct its spur tracks at grade across Fifth Avenue and along and across "A" Street in the City of Upland, County of San Bernardino, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 214) has been granted by the Board of Trustees of said City for the construction of said crossings at grade. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide grade separations, or to avoid grade crossings at the points mentioned in this application with said streets and that this application should be granted subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to Pacific Electric Railway Company to construct its spur tracks at grade across Fifth Avenue and along and across "A" Street in the City of Upland, County of San Bernardino, State of California, as follows:

Beginning at a point in the present constructed track of The Atchison, Topeka and Santa Fe Railway on "A" Street, said point being distant 2.11 feet northerly at right angles from a point in the center line of "A" Street which is distant easterly thereon 287.169 feet from the center line of Fifth Avenue; thence northwesterly along a No. 7 turnout and tangent thereto, 91.50 feet to a point in the north line of "A" Street distant easterly thereon 165.565 feet from the east line of Fifth Avenue; thence northwesterly across private property, continuing along said tangent, 14.31 feet to the beginning of a curve concave to the northeast and having a radius of 269.45 feet; thence northwesterly across private property, along said curve, 189.01 feet to a point in the east line of Fifth Avenue distant northerly thereon 108.83 feet from the north line of "A" Street; thence continuing northwesterly along said curve, 31.82 feet to point of compound curve concave to the northeast and having a radius of 300 feet; thence northwesterly along last mentioned curve 104.72 feet to the end of said curve; thence northwesterly along tangent to last mentioned curve and along No. 7 turnout, 68.85 feet to a point in the present constructed spur track of the Pacific Electric Railway Company on Fifth Avenue, said point being distant northerly along said track and the southerly prolongation thereof, 329.375 feet from the center line of "A" Street.

Also, beginning at a point in the present constructed track of The Atchison, Topeka and Santa Fe Railway on "A" Street, said point being distant easterly along said track 175 feet from the center line of Fifth Avenue; thence westerly and southwesterly along a No. 7 turnout and tangent thereto, 84.10 feet to the beginning of a curve concave to the north and having a radius of 458.594 feet; thence westerly along said curve 65.37 feet to a point in a line parallel to and 5 feet distant northerly from the center line of "A" Street, said point being distant easterly along said parallel line 24.53 feet from the center line of Fifth Avenue; thence westerly along said parallel line, 195.91 feet.

Also, beginning at a point in a line parallel to and 5 feet distant northerly from the center line of "A" Street, said point being distant easterly along said parallel line 32.16 feet from the center line of Fourth Avenue; thence westerly along said parallel line, 14.27 feet to the beginning of a tangent curve concave to the north and having a radius of 515.193 feet; thence westerly along said curve, 78.35 feet to point of reverse curve concave to the south and having a radius of 560.096 feet; thence westerly along last mentioned curve 85.18 feet to a point in a line parallel to and 17.41 feet distant northerly from the center line of "A" Street; thence westerly along last mentioned parallel line, a distance of 398.96 feet.

and as shown by the map (C.E.H. 9179) attached to the application; said crossings to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings shall be constructed substantially in accordance with Standard No. 2, as specified in General Order No. 72 of this Commission and shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding four (4) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) Applicant shall, within sixty (60) days submit a certified copy of a franchise from the City of Upland for the construction of said crossings at grade, and in the event that this is not done, the authorization herein granted for the installation of said crossings shall lapse and shall thereupon become null and void and of no further force and effect.

(5) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) Nothing in this order shall be construed as an authorization by this Commission for the construction of a track in such a manner as will be contrary to any of the provisions of General Order No. 26-a of this Commission.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance

and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 7<sup>th</sup> day of November ~~October~~, 1925.

H. B. ...

C. ...

George D. Squires

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Commissioners.