

Decision No. 16426.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application
of the County of San Bernardino
for permission to construct a cross-
ing at grade over the Atchison,
Topeka and Santa Fe Railway on
Tamarind Avenue, Fontana, San
Bernardino County, California.

Application No. 12,418.

M. O. Hert, Deputy District Attorney for
Applicant.

M. W. Reed, for The Atchison, Topeka and
Santa Fe Railway Company.

WHITSELL, COMMISSIONER:

O P I N I O N

In this proceeding the Board of Supervisors of San Bernardino County seek permission to construct Tamarind Avenue at grade across The Atchison, Topeka and Santa Fe Railway Company's main line in the vicinity of Fontana Townsite, San Bernardino County, California.

A public hearing was held at San Bernardino on February 26th, 1926, at which time the matter was submitted.

In the vicinity of Fontana Townsite, the north and south streets are one-quarter of a mile apart and east and west streets are one-half of a mile apart. There are some exceptions to this plan, particularly in developed business centers as in the case of the Fontana Townsite proper, where the streets are spaced at lesser intervals.

Tamarind Avenue is one of the system of north and south highways in this district. It extends from Base Line road on the north to Manning Avenue on the south, a distance of about three miles and the record shows that there are under contemplation plans to extend it one-half mile further south to connect with Colton Avenue. Tamarind Avenue is essentially a local street as are most of the other north and south streets in this locality. In general the district in the vicinity of the proposed crossing is subdivided into tracts of about two and one-half acres each and most of the land is devoted to the growth of citrus fruits or to small chicken ranches.

The Santa Fe track intersects Tamarind Avenue about midway between Perris and Merrill Avenues, two east and west highways located about one-half mile apart. Another east and west road, Anastasia Avenue, which extends westerly from Tamarind Avenue, lies about 500 feet south of the Santa Fe between the railroad and Merrill Avenue. There are six dwellings on Tamarind Avenue between Perris and Merrill Avenues, three of which are north of the railroad and three south thereof, the latter three being also south of Anastasia Avenue. It appears that the greater portion of the district in the vicinity of the proposed crossing has recently been purchased with the intention of developing it as small ranches and many new homes are now under construction.

The railroad track over which this crossing is sought is the Santa Fe's main line to the East, over which there are normally twelve passenger train and ten freight train movements per day. Most of the passenger trains travel at high rates of speed in the vicinity of the proposed crossing. The Santa Fe Company opposes the opening of this crossing on the ground that the public convenience that would be rendered thereby would not justify the

hazard that would be incident to its construction.

Witnesses testified relative to a number of instances where drivers of pleasure cars and trucks had assumed that Tamarind Avenue was open across the railroad and after discovering their mistake had to turn back and finally cross the railroad at the nearest crossing to the east or west. This inconvenience to that portion of the public, who are not familiar with the fact that this is not a through street, could be in a large measure corrected by the installation of suitable signs on Tamarind Avenue at Perris and Anastasia or Merrill Avenues.

Probably the greatest public convenience to be afforded by the construction of the proposed crossing would result from the direct route between points on opposite sides of the railroad on this highway for such traffic as happens or originates on Tamarind Avenue and the means of direct communication between the six residents of this street located near the railroad. It is apparent that the total amount of this traffic is comparatively small. The highway system in this vicinity at present affords the residents on Tamarind Avenue adjacent to the railroad practically direct lines of communication with the nearby trading centers. Some of the witnesses testified that they would use Tamarind Avenue in crossing the railroad in preference to Alder Avenue, located one-quarter of a mile to the east, due to the poor condition of the Alder Avenue roadway. This is a condition that can be corrected by suitable improvement of Alder Avenue and cannot be considered as a reason justifying the opening of an additional grade crossing.

The view at the proposed crossing is seriously impaired by citrus groves on each side of the railroad, and by a windbreak of eucalyptus trees planted along the south side of the track.

Since this district is being subdivided in rather large

lots, it is not reasonable to suppose that houses will be built in close proximity to each other for some time to come.

From the evidence now before the Commission it does not appear that the small amount of traffic that might be expected to use this crossing would justify the public hazard that would be incident to the construction of a grade crossing over such an important high speed railroad where the view is seriously impaired, especially in view of the fact that this traffic is now afforded access over the railroad at adjacent crossings, each of which is located within a distance of one-quarter of a mile of the crossing proposed.

It appears therefore that the application should be denied.

O R D E R

Public hearing having been held on the above entitled application and the matter now standing submitted and being ready for decision,

IT IS HEREBY ORDERED that the above entitled application be and it is hereby denied without prejudice.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 7th day of April, 1926.

H. B. Bondie
C. C. Lewis
E. J. Smith
Leon A. White

Commissioners.