

Decision No. 17552

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 crossing)
at grade over the Southern Pacific)
Railroad on Cucamonga Avenue, east)
of Ontario, San Bernardino County,)
California.)

Application No. 12930.

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

C. W. Cornell, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this proceeding authority is sought to construct Cucamonga Avenue at grade across Southern Pacific Company's main line east via Yuma. A public hearing was had in this matter before Examiner Williams at San Bernardino on September 24th, 1926.

Cucamonga Avenue is a north and south street located about 300 feet east of the east city limits of Ontario. It is now an unimproved street and appears to carry only a small amount of local traffic. This highway extends from Valley Boulevard on the north to Dessau Street on the south, a distance of about three-quarters of a mile. The proposed crossing is located about 550 feet south of Valley Boulevard and about 150 feet north of Main Street. The first crossing over the railroad to the east of the one proposed herein is at Walker Avenue, a distance of about three-quarters of a mile, while to the west the nearest crossing is at Bon View Avenue, a distance of about 1400 feet.

The district to the south of the railroad is, for the greater part, subdivided into acre tracts and devoted to truck gardens, orchards and chicken ranches. It appears that this section is experiencing a fairly good growth in population and development at this time.

The record shows that a school bus passes along Valley Boulevard, which affords transportation to the children residing along and adjacent to Cucamonga Avenue and south of the railroad, and that these children now walk across the track and board the bus at Cucamonga Avenue and Valley Boulevard. It is estimated that about twenty children now cross the track at Cucamonga Avenue. In view of the fact that there is no established crossing over the railroad, this pedestrian traffic trespasses on the railroad property. It was also shown that the proposed crossing would shorten the distance of travel to certain residents south of the track in traveling to and from stores located on Valley Boulevard near Cucamonga Avenue. Witnesses testified that the federal post-office representative at Ontario had assured them that if the proposed crossing were established, their mail service would be materially improved. There was no direct evidence, however, to show that the present method of delivering mail would be changed upon the construction of the proposed crossing.

The public benefits to be derived through the construction of this crossing, other than accommodating school children, are for the greater part similar to the results obtained through the construction of the ordinary public highway over a railroad. The existing crossings over the railroad, in this district, are situated approximately one mile apart and it would seem that if an additional crossing is to be constructed over the track, it should be located more nearly midway between the existing crossing nearest to Cucamonga Avenue. Most of the families residing to the south of

the railroad, in the vicinity of Cucamonga Avenue, trade at Ontario. The business center of this city is located to the north of the railroad and about one mile to the west of Cucamonga Avenue. The proposed crossing would not afford a shorter route for this traffic than now prevails.

The railroad involved, which is a single track line located within the Company's 100-foot right-of-way, is an important high speed railroad over which there are twelve passenger and eight freight scheduled trains operated per day, in addition to extra trains. It was estimated that some of the passenger trains attain a speed of twenty-five miles per hour in the vicinity of the proposed crossing. The track is constructed about two feet above the natural ground level at Cucamonga Avenue. A Southern Pacific witness testified that it would cost approximately \$1,640. to construct the proposed crossing. This sum provides for the installation of an automatic flagman. The view at the proposed crossing is somewhat impaired by peach and olive trees along the east side of the highway and on either side of the track.

From the evidence adduced in this proceeding, it appears that public convenience and necessity justify the granting of a crossing over the railroad for pedestrian traffic only. The following order will so provide:

O R D E R

Hearing having been held on the above entitled application and the matter now standing submitted and ready for decision, therefore

IT IS HEREBY ORDERED that permission be and it is hereby granted to the Board of Supervisors of the County of San Bernardino, California, to construct a public grade crossing for pedestrians only over Southern Pacific Company's track at Cucamonga Avenue, such crossing to be constructed subject to the following conditions:

(1) The entire expense of constructing said crossing shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.

(2) Said crossing shall be constructed of a width not less than twelve (12) feet, and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than six (6) per cent; shall be protected by two suitable wing-fences across the right-of-way, except over the tracks themselves, not more than twenty (20) feet apart and said crossing shall in every way be made safe for the passage thereover of pedestrians.

(3) Posts or turnstiles shall be placed across the said crossing at the right-of-way lines in such manner as to permit free passage of pedestrians, and to effectively prevent the passage of vehicles.

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

(5) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing 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.

IT IS HEREBY FURTHER ORDERED that that portion of the above entitled application asking permission to construct a public grade

crossing for vehicles across Southern Pacific Company's track at Cucamonga Avenue, be and it is hereby denied.

This order shall become effective twenty (20) days after the making thereof.

Dated at San Francisco, California, this 29th day of October, 1926.

H. B. Brown, Jr.

W. H. Brown

Wm. H. Brown

Thos. H. Brown

Commissioners.