

Decision No. 19576

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the City of Pomona for an order authorizing the construction and installation of a grade crossing across a railroad.

Application No. 14107.

Joseph A. Allard, Jr., for Applicant.

R. E. Wedekind, for Southern Pacific Company
and Pacific Electric Railway Company, Protestant.

BY THE COMMISSION:

O P I N I O N

In this application the City of Pomona requests permission to construct Fulton Road at grade across the Covina Branch of Southern Pacific Company.

A public hearing was held in this matter before Examiner Williams at Pomona, January 9th, 1928, at which time the matter was submitted.

Fulton Road extends to the southwest of the railroad to Walnut Avenue, a distance of about a quarter of a mile, while to the northeast of the railroad this highway extends to Lordsburg Road, a distance of about five-eighths of a mile, where it turns due north to a junction with Thompson Creek near the city limits. The railroad to be crossed is Southern Pacific Company's Covina Branch, extending from Pomona to Covina. The section of track in the vicinity and over the proposed crossing is operated jointly by the Pacific Electric Railway Company and Southern Pacific Company, the former operating its Pomona passenger and freight trains and the

letter only local freight trains, except during county fair week when special passenger trains are operated. The junction of the two companies' lines is at Ganesha Junction, about 300 feet south of the crossing. Trains taking the switch will undoubtedly operate at moderate speeds over this crossing. The view is unobstructed. The record shows that the Pacific Electric operates a total of about twenty-nine trains daily over this track with an additional four trains daily during the week when the county fair is held and that the Southern Pacific Company operates one freight train each way daily. The nearest public crossings to the proposed crossing are at Fair Avenue, 2262 feet to the northwest, and at Tolman Avenue, 1339 feet to the southeast of Fulton Road.

The Railroad Companies opposed the granting of this application principally upon the ground that flood waters which would be diverted and carried by the improvement contemplated by the City might damage certain railroad fills some distance from the crossing, but were willing to withdraw their opposition if properly protected in this respect. From the evidence it appears proper to authorize the opening of the proposed crossing, but in view of the somewhat doubtful justification for it to make the order subject to the conditions requested by the Companies, which under the peculiar circumstances here present seem reasonable, and which met with the acquiescence of the applicant.

The following form of order is recommended:

O R D E R

The City of Pomona, County of Los Angeles, State of California, having made application for permission to construct a public road, known as Fulton Road, at grade across the tracks of the Covina Branch of Southern Pacific Company, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the City of Pomona, County of Los Angeles, State of California, to construct Fulton Road at grade

across the tracks of the Covina Branch of Southern Pacific Company at the location hereinafter particularly described and as shown by the map attached to the application.

Description of Crossing

Beginning at a point in the Southerly line of the Southern Pacific Railway Company's Right-of-way (Covina Branch) said point being N. $18^{\circ} 38' 30''$ W. Twelve and Seventy-nine hundredths (12.79) feet from the most Northerly corner of Lot 19, El Paraiso Tract, as recorded in Book 28, page 60, Map Records of Los Angeles County, California; thence running N. $32^{\circ} 46' 30''$ E. Seventy-six and Seventy-six Hundredths (76.76) feet to a point in the Northerly line of said Southern Pacific Railway Company's Right-of-way (Covina Branch); thence running S. $18^{\circ} 38' 30''$ E. Seventy-six and Seventy-six Hundredths (76.76) feet along said Right-of-way line; thence running S. $32^{\circ} 46' 30''$ W. Seventy-six and Seventy-six Hundredths (76.76) feet to a point in the Southerly line of said Southern Pacific Railway Company's Right-of-way (Covina Branch); thence running N. $18^{\circ} 38' 30''$ W. along said Southern Right-of-way line Seventy-six and Seventy-six Hundredths (76.76) feet to the point of beginning.

The above crossing shall be identified as Crossing No. B2-513.0.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The authority to construct the said crossing shall not become effective, unless and until the railroad fills along San Jose Creek shall have been protected as to flood waters to the satisfaction of the Railroad Company, and until said Railroad Company shall have filed with this Commission its approval of the proposed plans for protection, or until this Commission shall have, in case of disagreement between the City and the Railroads, by further order authorized the construction and opening of the said crossing.

(2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing 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. No portion of the initial cost herein assessed to applicant, for the construction of said crossing, shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(3) The crossing shall be constructed of a width not less than twenty-four (24) feet, nor more than sixty (60) feet, and at an angle of approximately fifty-one (51) degrees to the railroad and with grades of approach substantially equivalent to those shown on Exhibit "A", Sheet 3, attached to the application; shall be constructed substantially in accordance with Standard No. 3, as specified in General Order No. 72 of this Commission; shall be protected by a Standard No. 1 crossing sign, as specified in General Order No. 75 of this Commission, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

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

(5) If said crossing 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) 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.

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

Dated at San Francisco, California, this 9th day of April, 1928.

Leon Whitehill
Chairman

Wm. J. Chan
Commissioners.