

Decision No. 20487

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 Atchison, Topeka & Santa Fe Railway) Application
 at Linden Avenue near the City of) No. 14910
 Rialto, San Bernardino County, California.)

James L. Kind, Deputy District Attorney,
 County of San Bernardino, for Applicant.
 E. T. Lucey, for The Atchison, Topeka &
 Santa Fe Railway Company, Protestant.

BY THE COMMISSION -

OPINION

ORIGINAL

The Board of Supervisors of the County of San Bernardino has petitioned the Railroad Commission for an order authorizing the construction of Linden Avenue across the right-of-way and track of The Atchison, Topeka and Santa Fe Railway Company, near the City of Rialto, in the County of San Bernardino.

A public hearing on this application was conducted by Examiner Handford at San Bernardino, the matter was duly submitted and is now ready for decision.

Linden Avenue, extending in a north and south direction, is unimproved and barely passable for vehicular traffic between the Arrow Route Highway, which is parallel to and approximately one-half mile north of The Atchison, Topeka & Santa Fe Railway Company's track and Merrill Avenue, which is parallel to and approximately one quarter mile south of said track.

The territory east of the proposed crossing is subdivided property, with some slight development, while to the west the territory is improved with orange groves. The record shows that only two families live on Linden Avenue between the Arrow Route Highway and Merrill Avenue.

The northwest and southwest corner views at the proposed crossing are obscured, due to orange groves and other trees. The proposed approach grade of Linden Avenue to the north of the Railway Company's track would be less than one (1) per cent, while to the south the same would be approximately four (4) per cent.

Cactus Avenue, one mile east, and Locust Avenue, one-half mile west, are parallel to Linden Avenue and are constructed across the track of The Atchison, Topeka & Santa Fe Railway Company.

Testimony of applicant's witnesses shows that the main travel from the territory adjacent to the proposed crossing is to and from San Bernardino. This traffic, at the present time, may use either Locust Avenue or Cactus Avenue, with little inconvenience, but apparently the main objection to the use of the existing crossings is due to the poor condition of the roadways.

The record shows that the daily railroad traffic over the proposed crossing consists of fourteen passenger trains, at speeds of forty-five to sixty miles per hour, and six freight trains, at a speed of approximately thirty-five miles per hour.

After due consideration of all the evidence presented herein, we conclude that the establishment of the proposed crossing would serve a relatively small number of people; that the crossing would be a hazardous one; that there are now public crossings within reasonable distance of the proposed crossing which conveniently serve the present needs of the traveling public and that the present public convenience and necessity do not justify the granting of this application.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the conclusions as set forth in the opinion which precedes this order,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity do not justify the granting of this application at this time, and

IT IS HEREBY ORDERED that this application be and the same hereby is denied without prejudice.

Dated at San Francisco, California, this 16th day of November, 1928.

C. Seaver

Francisco

Paul S. Powell

M. J. Lee
COMMISSIONERS.