

Decision No. 20850

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the application of the)
County of San Bernardino for permission)
to construct a crossing at grade over)
the Southern Pacific Railway at) Application 14909
Calabash Avenue, near the Town of)
Fontana, San Bernardino County, State)
of California.)

James L. King, Deputy District Attorney, for Applicant,
R.E. Wedekind, for Southern Pacific Company, Protestant.

BY THE COMMISSION:

O P I N I O N

The Board of Supervisors of the County of San Bernardino filed the above entitled application with this Commission requesting permission to construct a public street known as Calabash Avenue at grade across the track of Southern Pacific Company in the vicinity of the town of Fontana.

A public hearing on this application was held by Examiner Williams at San Bernardino on February 8, 1929, the matter was duly submitted and is now ready for decision.

Calabash Avenue extending in a north and south direction is an unpaved street constructed on either side of the Southern Pacific Company's right of way. Calabash Avenue connects with Valley Boulevard, one of the main highways between Los Angeles and San Bernardino, which is parallel to and approximately three-eighths ($3/8$'s) of a mile north of said tracks.

Ktiwanda Avenue, one and two-tenths (1.2) miles east and Decler Avenue, one and three-tenths (1.3) miles west are parallel to Calabash Avenue and are constructed across the track of Southern

Pacific Company.

The record shows that from twenty-five to fifty families live adjacent to Calabash Avenue and south of said track. The proposed crossing, if constructed, would be utilized by these residents when travelling to or from the territory north of said tracks. The territory adjacent to Calabash Avenue and north of said track has not as yet been the recipient of extended development.

The record further shows that Calabash Avenue would not be a connecting link between any major highways for through traffic, but would, however, serve as a convenience to the local traffic between the territory north and the territory south of said track.

The corner views of the proposed crossing are clear, with the exception of those at the southeast and southwest corners which are obscured by eucalyptus trees planted adjacent to the southern right of way line of the Southern Pacific Company. The approach grades of the proposed crossing from the north is four percent (4%) ascending toward the track, while the same from the south is one percent (1%) descending toward the track.

The track, which is proposed to be crossed by Calabash Avenue, is Southern Pacific Company's single track main line between Los Angeles and Yuma which carries a traffic of twelve passenger trains daily at a speed from thirty to sixty miles per hour and twenty-two freight trains at a speed from twenty to forty miles per hour. The vehicular traffic, which will use the proposed crossing, if constructed, consists almost entirely of local traffic which is comparatively light.

It appears that the proposed crossing will be used almost entirely by local traffic and that, if the eucalyptus trees in the southeast and southwest corners are removed so as to provide a clear and unobstructed view of an approaching train, no special protective device will be required for the present.

After due consideration of all the evidence presented herein, we conclude that the establishment of the proposed crossing will better serve the needs of the travelling public living adjacent to Calabash Avenue since they are now required to either go one and three-tenths (1.3) miles west or one and two-tenths (1.2) miles east in order to cross over the Southern Pacific Company's track; that the crossing will not be a particularly hazardous one provided the eucalyptus trees in the southeast and southwest corners of the proposed crossing are removed so as to afford clear and unobstructed views and that public convenience and necessity 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 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 justify the granting of this application, and

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Board of Supervisors of the County of San Bernardino, State of California, to construct Calabash Avenue at grade across the track 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 the intersection of the West line of Calabash Avenue, as shown on map of the Semi-Tropic Land and Water Company's Subdivision, with the center line of the right of way of the Southern Pacific Railway, said point being South $88^{\circ}22'$ West, 30.01 feet from the intersection of the center line of said Calabash Avenue with the center line of the said Railroad right of way, said point being Engineer's Station 3559 plus 79 of said Railroad Company; thence North $0^{\circ}11'$ east 50 feet to the

north right of way line of said Railroad; thence north 88° 22' east, along the north right of way line of said Railroad 60.02 feet; thence south 0° 11' west 100 feet to the south right of way line of said railroad; thence south 88° 22' west, along said south right of way line of said Railroad 60.02 feet; thence north 0° 11' east 50 feet to the place of beginning.

The above crossing shall be identified as Crossing No.

B-528.7.

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

(1) 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 rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty (20) feet and at an angle of approximately eighty-eight (88) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed substantially in accordance with Standard No. 2 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.

(3) Before the crossing is opened to traffic applicant shall remove or cause to have removed the eucalyptus trees located in the southeast and southwest corners of said crossing so as to provide a clear and unobstructed view for one hundred twenty-five (125) feet on either side of said crossing from a point one hundred (100) feet south of said track.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the instal-

lation 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 12th day of

April, 1929.

Thos D. Loutch
Chas. J. ...
Edward ...
Leon ...
W. J. ...
Commissioners.