

Decision No. 22421

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

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. 16421

BY THE COMMISSION:

O R D E R

The City Council of the City of Pomona, County of Los Angeles, State of California, filed the above entitled application with this Commission on the 2nd day of April, 1930, asking for authority to construct a public street known as Fulton Road, at grade, across the track of Southern Pacific Company, in the said City of Pomona, as hereinafter set forth.

The railroad to be crossed is Southern Pacific Company's Covina Branch, extending from Pomona to Covina. The section of track in the vicinity of and over the proposed crossing is operated jointly by the Pacific Electric Railway Company and Southern Pacific Company.

The Commission's Decision No. 19576, dated April 9, 1928, granted to the City of Pomona permission to construct Fulton Road at grade across said railroad track, subject to certain conditions, one of which required that certain flood control protection work requested by the Railroad Company be constructed prior to the construction of said crossing. Applicant alleges that the Southern Pacific Company has approved the class and construction of the flood control work as evidenced by Exhibit "B" attached to the application. Applicant further alleges that the Los Angeles

County Flood Control District has undertaken to perform said work and has a large portion of the work completed at this time.

Said Southern Pacific Company has signified by letter that it has no objection to the construction of said crossing at grade provided the conditions are the same as those outlined in said Decision No. 19576, in Application No. 14107, wherein applicant was granted permission to construct this crossing but did not exercise the authority granted therein. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said track at the point mentioned in this application; and, that this application should be granted, subject to the conditions hereinafter specified, 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 track of Southern Pacific Company at the location hereinafter particularly described and as shown by the map (Exhibit "A") 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° 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, of Map Records of Los Angeles County, California; thence running N. 32° 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° 38' 30" E. seventy-six and seventy-six hundredths (76.76) feet along said right of way line; thence running S. 32° 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° 38' 30" W. along said southerly 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. BZ-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, or until this Commission shall, in case of disagreement between the City and Railroads, by further order, authorize the construction and opening of 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 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. No portion of the cost herein assessed to applicant for the construction or maintenance 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 thirty (30) feet and at an angle of approximately fifty (50) 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 Standard No. 1 crossing signs, 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 13<sup>th</sup> day of

May, 1930.

C. S. Lammey  
Ernest L. ...

Paul S. ...

M. J. ...

Commissioners.