

Decision No. \_\_\_\_\_

ORIGINAL

Decision No. 4189

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

---oOo---

In the matter of the application  
of THE ATCHISON, TOPEKA AND SANTA  
FE RAILWAY COMPANY, a corporation,  
for authority to construct, main-  
tain and operate a spur track in  
and along Fourteenth Street in the  
City of Upland.

)  
)  
) Application No. 2754.  
)  
)  
)

M. W. Reed for applicant.  
J. F. Anderson for City of Upland.

BY THE COMMISSION:

O P I N I O N.

A public hearing was conducted by Myron Westover, Examiner, at Upland, February 28, 1917, upon above application to construct a spur track across 14th Street near Campus Avenue, in Upland, San Bernardino County.

At present applicant operates what is known as its Upland citrus spur about 4 miles long, extending through a district devoted almost entirely to the growing of citrus fruits. It now wishes to construct a switch parallel to its said fruit spur, to be connected at both ends, and to be used principally for deliveries of fertilizers to fruit growers. It has such a switch now at 19th

Street where most of the deliveries of about 400 cars of fertilizers per year are made.

The proposed delivery track at 14th Street is by road about 1 $\frac{3}{4}$  miles from the 19th Street spur, and will greatly decrease the team haul for fruit growers of the vicinity. The street, in the vicinity of the proposed crossing, is not opened or improved and has very little travel upon it.

The city offers no objection to the proposed spur, but at the time of the hearing had not granted franchise therefor. We are informed by the city clerk that franchise has since been granted.

The city urged that the increased hauling would make it necessary to improve 14th Street by grading and oiling, the cost of which it estimated at \$1500 for the 2200 feet which would be most used. It sought to have the applicant participate in this expense. The representatives of the railroad at the hearing expressed a willingness to improve the street in the same manner between the rails and for a distance of 2 feet outside the rails. As the proposed track lies in the street for a distance of nearly 334 feet, crossing the street diagonally, a considerable portion of the street would be included in the improvement proposed between and near the rails. They also expressed a willingness to recommend that the company assume a considerable further share in improving the 2200 feet of street proposed. Counsel for applicant reports that since the hearing the management

has authorized a contribution of \$300 worth of material toward the improvement.

O R D E R.

THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY having applied to the Railroad Commission for authority to construct and maintain a spur track at grade in and along 14th Street in the City of Upland, in San Bernardino County, at the place and in the manner shown upon the map and profile attached to the application as an exhibit, and a public hearing having been held thereon and it appearing that the public convenience requires the establishment of such a crossing and that it will not seriously affect the safety of the traveling public.

IT IS HEREBY ORDERED by the Railroad Commission of the State of California that said application be and it is hereby granted, subject to the following conditions:

1. The entire expense of constructing and maintaining the crossing shall be borne by applicant.

2. Applicant shall pave or improve the street between its rails and for a distance of 2 feet on each side thereof at the time when and in the manner in which said street is first improved or paved by the City of Upland.

3. Said crossing shall be constructed with grades of approach not excluding 4%, protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

4. 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.

Dated at San Francisco, California, this 19<sup>th</sup>  
day of March, 1917.

Max Thelen  
W. J. Howard  
Chas. Gordon  
Edwin O. Edgerton

\_\_\_\_\_  
Commissioners.