

Decision No. ✓

ORIGINAL

Decision No. 5148

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

---000---

In the matter of the application of
THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY for authority to con-
struct, maintain and operate a spur
track across Campus Avenue in the City
of Ontario, County of San Bernardino,
State of California.

)
)
)
) Application No. 3113.
)
)

M. W. Reed for applicant.
A. D. Mitchell for City of Ontario.

GORDON, Commissioner:

O P I N I O N

A formal hearing was held on this application because the City of Ontario refused to grant a franchise for the crossing the Railroad Company desires to make. At the hearing the City admitted that the crossing was needed and its representative stated that the franchise was withheld because the City desired a readjustment of the waterways under the existing crossing, and it felt that if a franchise were refused the Railroad Company would meet the city's views in that matter.

Clearly this is something over which the Commission does not have jurisdiction. The installation of the crossing of a spur track across Campus Avenue, in addition to its main line which is now constructed, would not add to the danger and there is no disagreement as to the need for the crossing. Under these circumstances there seems to be no reason why the Commission should not act in so far as the Commission has jurisdiction.

I recommend that the application be granted

and submit herewith the following form of order.

O R D E R

THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY having applied to the Railroad Commission for permission to construct a spur track at grade across Campus Avenue, in the City of Ontario, County of San Bernardino, California, at the point and in the manner shown by the maps attached to the application, and a public hearing having been held,

IT IS HEREBY ORDERED that permission be and the same hereby is granted The Atchison, Topeka & Santa Fe Railway Company to construct a spur track at grade across Campus Avenue, in the City of Ontario, County of San Bernardino, California, subject to the following conditions:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of Campus Avenue now graded, with grades of approach not exceeding four (4) percent; shall be protected by suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) This order shall not become effective until the necessary permit has been obtained from the City of Ontario..

(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 21st day
^{February}
of ~~September~~, 191⁸.

Max Thelen

H. H. Kovaland

Alex Gordon

Edwin O. Edgerton

Frazer R. Parker

Commissioners.