

Decision No. 27841

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of the CITY OF SAN BERNARDINO, a  
municipal corporation, for the  
construction of a grade crossing  
over the railroad tracks of Atchison,  
Topeka and Santa Fe Railway Company,  
a corporation, at Sixteenth Street,  
in the City of San Bernardino.

ORIGINAL

Application No. 19791

William Guthrie, for Applicant.

Robert Brennan and M. W. Reed, for The Atchison,  
Topeka and Santa Fe Railway Company.

CARR, COMMISSIONER.

O P I N I O N

By this application, the City of San Bernardino renews its request for authority to establish at grade a crossing over the tracks of The Atchison, Topeka and Santa Fe Railway Company at Sixteenth Street. A similar application was filed (Application No. 10457) and, after hearing, was denied by Decision No. 14543, dated March 10, 1925.

A public hearing was had on the instant application on March 7, 1935, and the matter was submitted.

The prior request for authority to establish this crossing was denied upon the ground, primarily, that it was a dangerous place for a grade crossing. Reference is made to said Decision No. 14543 for a detailed description of the physical layout of streets and tracks involved herein. No facts were established at this hearing indicating any change of condition except, possibly, an increase in population and hence an accentuated public desire

for ready means of communication between the territory lying east and west of the railroad, and a decrease in the number of train movements which are still substantial. The proposed crossing, if authorized, would cross the double-track main line of The Atchison, Topeka and Santa Fe Railway Company at a point where the tracks curve rather sharply off "I" Street at Sixteenth Street to the northwest, as well as the single-track line of the Redlands Branch of the railroad which continues north along "I" Street. The volume of train movements, the curve in the main line tracks and obstructions to visibility in the vicinity of the proposed crossing are such that the crossing, if authorized, would be an extra-hazardous one.

The railroad protested vigorously the authorization of this crossing, basing its opposition, however, not so much upon a position opposing any new grade crossings as upon the establishment of a crossing at this particular location due to the hazard involved. Apparently recognizing the demand for a crossing in the vicinity of the one proposed, the railroad company suggested that a crossing at either Fifteenth Street or Magnolia Street, a short distance south of Sixteenth Street, would meet vehicular traffic needs equally as well as a crossing at Sixteenth Street but would not be of the same dangerous character, due to the fact that only two tracks would be involved; that the tracks at either of these locations are on tangent and that view conditions are much better, and indicated that if permission for such a crossing was sought by the City, it would not meet with opposition from the railroad.

Under the record, as developed, authorization of the crossing applied for is not justified. While some crossing

in the vicinity may be justifiable, the objections to this particular crossing are of too grave a nature to be ignored.

I recommend the following form of order.

ORDER

Public hearing having been had upon the above entitled application and the matter having been submitted for decision,

IT IS HEREBY ORDERED that the application be, and it is, hereby denied.

The effective date of this order shall be twenty (20) days from the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 25<sup>th</sup> day of March, 1935.

Leon C. Wheeler

W. A. Cline

W. B. Lanning

Arthur H. Brown

Frank S. Warren

Commissioners.