

Decision No. 20197

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the County of San Bernardino for permission to construct a crossing at grade over the tracks of the Southern Pacific Railroad in the vicinity of Guasti station, County of San Bernardino, State of California.

Application No. 20564

**ORIGINAL**

Albert E. Weller, Deputy District Attorney for Applicant

E. L. H. Bissinger for Southern Pacific Company, Protestant

BY THE COMMISSION:

OPINION

The County of San Bernardino, State of California, on May 19, 1935, applied for authority to construct a public road known as Milliken Avenue at grade across the main line track of Southern Pacific Company in the vicinity of Guasti Station, County of San Bernardino, California.

A public hearing was held before Examiner Hall at San Bernardino on September 11, 1936, at which time the matter was duly submitted.

Milliken Avenue, which is proposed to be opened at grade across the main track of Southern Pacific Company, is a north and south county road extending southerly from Foothill Boulevard (State Highway Route No. 9) to points in Riverside County on the south. Milliken Avenue now crosses the main line of The Atchison, Topeka and Santa Fe Railway Company approximately two miles north of the proposed crossing, and the tracks of Union Pacific Railroad Company approximately two miles south of the proposed crossing. This avenue also intersects State Highway Route No. 26 approxi-

mately one-quarter of a mile north and State Highway Route No. 19 approximately two miles south thereof.

The proposed crossing is over the main line tracks of Southern Pacific Company approximately one and one-half miles east of Guasti Station, San Bernardino County.

The track through this district is tangent and on a fill about five feet above the natural ground level. The surrounding area is entirely level and planted to grapes.

The record shows that in the event this crossing is constructed, Milliken Avenue would become available and be used generally by the public as a necessary through north and south artery from points as far south as Norco and Corona in Riverside County. It was further shown that adjacent public roads do not run entirely through this territory and that users of these roads must jog from one road to another in travelling either north or south, thus producing an unsatisfactory cross-country route.

Furthermore, the land immediately adjacent to the proposed crossing is owned by the Italian Vineyard Company, with producing vineyards on both sides of the railroad. This company contends that it needs the proposed crossing for the hauling of grapes from the land south of the railroad, to reach its plant at Guasti by way of State Highway Route No. 26.

Milliken Avenue is not now highly improved, but it is expected that with the opening of the crossing traffic demands will require its further improvement.

The next adjacent crossings are Turner Avenue, approximately one and one-half miles to the west, and Orange Avenue, approximately one-half mile to the east of the proposed crossing. The Turner Avenue crossing is adjacent to the plant of the Italian Vineyard Company and is used by both this company and the public. The Orange Avenue crossing is used very sparsely as Orange Avenue is a short road, ending

just south of the railroad. It was agreed by the parties to this proceeding that the Orange Avenue crossing should be closed in the event that the instant application is granted.

The track involved is the Yuma main line of Southern Pacific Company, over which is operated approximately six passenger trains each way daily at a maximum speed of fifty miles per hour, and approximately eleven freight trains per day at a maximum speed of thirty-five miles per hour.

It was alleged by applicant that no protection would be required at the proposed crossing other than a Standard No. 1 crossing sign as prescribed in our General Order No. 75-A. The testimony indicates that with the opening of the crossing a large number of loaded and light trucks will use the crossing, moving to and from the plant at Guasti, and that general travel will continue to develop along Milliken Avenue and cross the railroad. In view of the number and speed of trains operating along the track herein involved and the amount of relatively slow moving trucks, together with the expected amount of vehicular traffic which would use the crossing, it is concluded that two Standard No. 3 wigwag signals, as prescribed in our General Order No. 75-A, should be installed for the protection of the crossing.

It appears from the record that public convenience and necessity require the opening of Milliken Avenue at grade over Southern Pacific Company track; provided, however, that the crossing be protected by two Standard No. 3 wigwag signals and that the adjacent crossing at grade of Orange Avenue be closed, and it will be so ordered.

#### ORDER

A public hearing having been held and the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that the Board of Supervisors of the County of San Bernardino, State of California, is hereby authorized to construct Milliken Avenue at grade across the track of Southern Pacific Company at the location more particularly described in the application and as shown by the map (Drawing No. F.B. 217-23) attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. B-525.4.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.
- (3) The crossings shall be constructed of a width of not less than twenty-four (24) 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 equal or superior to type shown as Standard No. 3 in our General Order No. 72; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Two Standard No. 3 wigwag signals, as specified in our General Order No. 75-A, shall be installed for the protection of said crossing at the sole expense of the applicant. Their maintenance thereafter shall be borne by Southern Pacific Company.
- (5) Prior to the beginning of actual construction of the crossing herein authorized, applicant shall file with this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing crossing at grade of Orange Avenue (Crossing No. B-526.1) located approximately one-half mile east of the crossing herein authorized. Upon the completion of the construction of said authorized crossing, and upon its being opened to public use and travel, said Crossing No. B-526.1 shall be legally abandoned and effectively closed to public use and travel.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.

- (7) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (8) 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 19th day of October, 1936.

W. B. Lavin  
Leon C. White  
M. A. P. ...  
W. H. ...  
Joseph P. ...  
Commissioners