

Decision No. 34705

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 the easterly city limits of the
City of Ontario, County of San Bernardino,
State of California.

ORIGINAL

Application No. 22285.

Jerome B. Kavanaugh, District Attorney, by
Donald S. Gillespie, Deputy District
Attorney, for applicant.

Frank Karr and C. W. Cornell, by C. W. Cornell,
for Southern Pacific Company, protestant.

BY THE COMMISSION:

O P I N I O N

In this proceeding the County of San Bernardino renews its request for authority to establish at grade a crossing over the main line track of Southern Pacific Company at Cucamonga Avenue, a short distance east of the easterly city limits of the City of Ontario. A similar application (No. 12930), was filed in 1926 and, after hearing, the Commission, by Decision No. 17552, dated October 29th, 1926, authorized the construction of a crossing at this location for the use of pedestrians only. This pedestrian crossing was never opened and the order was permitted to lapse.

A public hearing in the instant application was held before Examiner Ager at San Bernardino on January 9th, 1939, at which time the matter was duly submitted, and it is now ready for decision.

One of the primary reasons for the denial of the former request was that if another crossing were to be constructed over

this track, it should be located more nearly midway between the existing crossings. No additional facts were established at this latest hearing, indicating any change of conditions, except possibly an increase in population in the area south of the tracks, and the consequent accentuated public desire for ready means of communication between the territory lying south and north of the railroad.

Testimony was offered in an effort to show that the new crossing was necessary in order to provide a more nearly direct route from Ontario to Ontario Boulevard and thence to San Bernardino via Riverside. This was refuted, however, by the showing that the same trip can be made over existing roads with little or no difference in the distance travelled or time consumed.

The County Surveyor and County Highway Commissioner of San Bernardino County testified that at the present time there are no funds available to construct the proposed crossing at Cucamonga Avenue and there will be no funds for such purpose until at least July 1st, when the new budget of the County goes into effect. Even at that time, if the County of San Bernardino were ordered to pay the cost of constructing this crossing, there is considerable question as to whether or not the County would undertake the work.

The proposed crossing, if authorized, would cross the single-track main line of Southern Pacific Company between Los Angeles and points east, which carries a substantial volume of comparatively high-speed rail traffic.⁽¹⁾ The railroad offered vigorous protest to the authorization of this crossing, basing its opposition upon the contention that the Bon View crossing, some 1440 feet west

(1) The record shows an actual count of trains, made on Friday, January 6th, 1939, to be ten regular passenger trains (five each way), six freight trains eastbound, five freight trains westbound and two light engines. Speeds at the site of the proposed crossing approximate forty miles per hour for both passenger and freight trains.

of the site of the proposed crossing at Cucamonga Avenue, and the crossing at Walker Avenue, approximately 3700 feet east of Cucamonga Avenue, were entirely adequate for the needs of the community. While not recognizing the necessity for an additional crossing, the railroad suggested that, if an additional crossing in the vicinity were to be constructed, the proper location for such a crossing would be at Grove Avenue, which is approximately midway between Bon View Avenue and Walker Avenue.

While the construction of this crossing possibly would be of some local benefit, the Commission must be extremely circumspect in encouraging more traffic over high-speed rail lines by the authorization of any additional crossings. Cucamonga Avenue at the present time crosses the Union Pacific Railroad at grade some 1700 feet south of the site of the proposed crossing. This Union Pacific crossing (No. 3-39.8), has steep grades of approach, is unprotected except by fixed signs and could well be classed as an extremely hazardous crossing. Opening of the crossing over the Southern Pacific tracks, as proposed in this proceeding, would certainly have the effect of inducing more through travel, with the attendant increase in hazard.

Careful consideration of the entire record in this proceeding leads us to the conclusion that the crossing applied for is not justified and we are of the opinion that the application should be denied. The following Order will so provide.

O R D E R

The County of San Bernardino having made application for permission to construct Cucamonga Avenue at grade across the track of Southern Pacific Company, a public hearing having been

held and the matter being under submission and ready for decision;

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

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

Dated at San Francisco, California, this 20th day of January, 1939.

Barbara B. B. B.
Frank R. B. B.
Ray L. B. B.
John B. B.
Justin J. Cramer

Commissioners.