

Decision No. 31998.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of UNION PACIFIC RAILROAD COMPANY, a corporation, and SOUTHERN PACIFIC COMPANY, a corporation, for an order requiring the physical closing of Cypress Avenue in the City of Pomona, California, across the tracks of Southern Pacific Company, and for authority to change the form of crossing protection at the crossing of certain streets in said city over the tracks of applicants.

Application No. 22579.

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

Edward C. Renwick, for Applicant Union Pacific
Railroad Company.

Turner Garr, City Attorney, for the City of
Pomona, Protestant.

BY THE COMMISSION:

O P I N I O N

This is a joint application filed by the Union Pacific Railroad Company and Southern Pacific Company, for an order requiring the physical closing of Cypress Avenue, in the City of Pomona, across the tracks of these two carriers and also for authority to change the type of crossing protection at the crossings of certain other streets in said city over the tracks of applicants.

Public hearings were held before Examiner Hall at Pomona on March 10th and April 19th, 1939, and on the latter date the matter was taken under submission and it is now ready for decision.

The record shows that through almost the entire city the main lines of Southern Pacific Company and Union Pacific Railroad Company parallel each other at distances varying from fifty to seventy-five feet. Several of the more heavily travelled

streets through the business area are protected by manually operated gates which afford joint protection to both railroads. At various streets on either side of these gate-protected crossings, protection is provided by means of automatic signals or fixed signs. Tabulated below is a list of these crossings, on which there is indicated the present protection and proposed protection.

| Street Name | Crossing No. | | Present Protection | | Proposed |
|------------------|--------------|----------|-----------------------------------|-----------------------------------|-----------------|
| | So. Pac. | Un. Pac. | So. Pac. | Un. Pac. | Protection: |
| Hamilton Ave. | B-513.6 | 3-31.3 | :1 Std.#1 sign: :1 Std.#3 W/W | :1 Std.#1 sign: :1 Std.#3 W/W | :2 Std.#3 W/Ws* |
| White Ave. | B-513.9 | 3-31.5 | :1 Std.#1 sign: :1 Std.#3 W/W | :1 Std.#1 sign: :1 Std.#3 W/W | :2 Std.#3 W/Ws* |
| Cypress Ave. | B-513.92 | 3-31.6 | :2 Std.#1 signs: :1 Std.#3 W/W | :1 Std.#1 sign: | |
| Rebecca St. | B-514.0 | 3-31.7 | :2 Std.#1 signs: | :1 Std.#1 sign: :1 Std.#3 W/W | :2 Std.#3 W/Ws* |
| Palomares St. | B-514.7 | 3-32.3 | :1 Std.#1 sign: :1 Std.#3 W/W | :1 Std.#1 sign: :1 Std.#3 W/W | :2 Std.#3 W/Ws* |
| Eleanor St. | B-514.8 | 3-32.4 | :1 Std.#1 sign: :1 Std.#3 W/W | :1 Std.#1 sign: :1 Std.#3 W/W | :2 Std.#3 W/Ws* |
| Towne Ave. | B-515.1 | 3-32.5 | :1 Std.#1 sign: :1 Std.#3 W/W | :1 Std.#1 sign: :1 Std.#3 W/W | :2 Std.#3 W/Ws* |
| San Antonio Ave. | B-515.2 | 3-32.8 | :1 Std.#1 sign: :1 Std.#3 W/W | :3 Std.#1 signs: :1 Std.#3 W/W | :2 Std.#3 W/Ws* |
| East End Ave. | B-515.9 | 3-33.5 | :1 Std.#1 sign: | :1 Std.#1 sign: :1 Std.#3 W/W | :2 Std.#3 W/Ws* |

* To be synchronized so as to operate upon approach of either Southern Pacific or Union Pacific trains.

Due to the proximity of the two lines, it will be seen that there could be occasions when a signal, indicating the approach of a train, was in operation and the signal protecting the other line of railroad would be in the "clear" position. Such a set-up results in confusion to persons using the crossings, particularly those who are unfamiliar with the fact that two railroads are involved. As a result

of an informal complaint filed with the Commission by the City of Pomona, and subsequent field investigations by the interested parties, a plan has been evolved under which it is proposed to install additional signals at those crossings not now protected with two signals, to relocate those signals at the present time improperly located and to synchronize the signals at the various streets involved so that, upon the approach of a train on either line of railroad, both sets of signals will be operated. This plan contemplates the improvement of the protection at Hamilton Boulevard, White Avenue, Rebecca Street, Palomares Street, Eleanor Street, Towne Avenue, San Antonio Avenue and East End Avenue, at a cost of \$8,457 to Southern Pacific Company and \$1,140 to the Union Pacific Railroad Company, plus the cost of breaking the pavement in order that the necessary conduits may be laid and the restoration of the pavement to its original condition, which portions of the cost are to be borne by the City of Pomona.

Cypress Avenue is located midway between White Avenue and Rebecca Street, two of the crossings which are to be provided with the improved protection, at an approximate distance of 300 feet from either street. It extends from one block north of the Southern Pacific tracks to six blocks south of the Union Pacific tracks and is little used, as is evidenced by Exhibit No. 2 showing that, during the twelve-hour period from 6:00 A.M. to 6:00 P.M. on March 3rd, 1939, there was a total of forty-four vehicular movements over the crossing.

At the present time the Southern Pacific crossing is protected by one Standard No. 3 wigwag signal and two Standard No. 1 crossing signs. The Union Pacific crossing of this street is protected by one Standard No. 1 crossing sign. If the major plan for improvement of the crossing situation is approved, it is proposed to relocate the existing wigwag at Cypress Avenue to the Southern Pacific crossing at Rebecca Street, thereby eliminating the necessity

of purchasing a new signal for installation at that point. The record in this proceeding shows that approximately 75 per cent of the population of the City of Pomona resides in the area north of the tracks and that the predominating traffic is east and west, with Holt Avenue, Fifth Street and Second Street carrying the largest volume. Carey Avenue (protected by gates), carries the major volume of north and south traffic but Park Avenue, White Avenue, Hamilton Boulevard and Towne Avenue also carry substantial volumes of this traffic.

If the Cypress Avenue crossing is to remain open, it would seem consistent that synchronized automatic protection also should be installed at that point, in order that all crossings in the City of Pomona would be afforded similar protection. This would add an estimated \$5,900 to the cost of the proposed improvement, \$2,400 of which would be borne by Southern Pacific Company and \$1,500 by the Union Pacific Railroad Company, plus whatever additional cost would be necessary by reason of breaking the pavement for installation of conduits and the eventual restoration of this pavement to its former condition.

The record shows that the Los Angeles County Regional Planning Commission has recommended the closing of this crossing and that, as long ago as 1929, the Los Angeles County Grade Crossing Committee made such a recommendation.

Several persons appeared at the hearing in protest to the granting of this application, it being their contention that the closing of the crossing over these tracks would result in material depreciation of property values along Cypress Avenue.

With amply protected crossings within a short distance on either side of the one involved herein, there appears to be little justification for permitting a crossing as little used as Cypress Avenue to remain open, particularly in view of the fact that, by so doing, it might jeopardize the prospect of securing the necessary improvement to the major crossings in the city. To

us it appears that the hazard involved at this location far outweighs the advantages which would be gained either by the property owners or the City of Pomona, if the crossing were to remain.

Careful consideration of the record leads us to the conclusion that the most suitable answer to this problem is to close the crossing at Cypress Avenue and proceed immediately with the improvement in protection at those remaining. The following Order will so provide.

O R D E R

Public hearings having been held and the Commission being fully advised;

IT IS HEREBY ORDERED that the existing public crossing of Cypress Avenue over the tracks of Southern Pacific Company (No. B-513.92), and Union Pacific Railroad Company (No. 3-31.6), in the City of Pomona, County of Los Angeles, State of California, shall be physically abandoned and effectively closed by the installation and maintenance of suitable physical barriers. These barriers shall be installed and thereafter maintained by applicants Southern Pacific Company and Union Pacific Railroad Company.

IT IS HEREBY FURTHER ORDERED that applicants, Southern Pacific Company and Union Pacific Railroad Company, in accordance with the understanding previously reached, shall immediately proceed with the program of improving the protection at the following named and identified crossings in the City of Pomona:

| | <u>Crossing No.</u> | |
|--------------------|-------------------------|----------------------|
| | <u>Southern Pacific</u> | <u>Union Pacific</u> |
| Hamilton Avenue | B-513.6 | 3-31.3 |
| White Avenue | B-513.9 | 3-31.5 |
| Rebecca Street | B-514.0 | 3-31.7 |
| Palomares Street | B-514.7 | 3-32.3 |
| Eleanor Street | B-514.8 | 3-32.4 |
| Towne Avenue | B-515.1 | 3-32.5 |
| San Antonio Avenue | B-515.2 | 3-32.8 |
| East End Avenue | B-515.9 | 3-33.5 |

The cost of installing this improved protection shall be borne by applicants Southern Pacific Company and Union Pacific Railroad Company, except that the cost of breaking the pavement, in order that conduits may be placed, and the restoration of the pavement to its original condition, shall be borne by the City of Pomona.

Applicants shall, within thirty days thereafter, notify this Commission in writing of the closing of the crossing as directed herein, of the installation of the improved protection and of their compliance with the conditions hereof.

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

Dated at San Francisco, California, this 11th day of May, 1939.

Raymond
Frank
Ray K. Riley
W. Baker
Justus J. Casper
Commissioners.