

Decision No. 34410.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the CITY OF UPLAND for Order Permitting the Opening of a Public Street at Grade over and across the Right-of-way and Tracks of the Atchison, Topeka and Santa Fe Railway Company, at Upland, and to Condemn an Easement therefor.

Application No. 24117.

Edward E. Gray, City Attorney, by Richard A. Ibanez, for Applicant.

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

BY THE COMMISSION:

OPINION AND ORDER

In the above numbered application the City of Upland seeks the Commission's authority to construct Second Avenue at grade across the main line tracks of The Atchison, Topeka and Santa Fe Railway Company.

Public hearing in this matter was held before Examiner Ager at Upland on June 24, 1941, at which time it was duly submitted, and it is now ready for decision.

The record shows that Second Avenue north of the tracks of The Atchison, Topeka and Santa Fe Railway Company is the principal business street of the City of Upland, said business district occupying an area some three blocks in length. In addition to two banks and various retail business establishments in this area, the City Hall, Fire Department and Police Department are located on "D" Street at Second Avenue, three blocks north of the site of the

proposed crossing. That portion of the City of Upland south of the Santa Fe tracks is exclusively residential and it is applicant's contention that the crossing proposed is necessary in order to provide an easy means of access for those residents to and from the business area. It is also applicant's contention that the crossing is necessary to afford an expeditious route to the area south of the tracks for police and fire protection.

At the present time public crossings over the tracks in question exist at Euclid Avenue, approximately 800 feet west of the proposed Second Avenue crossing, and at Sultana Avenue, approximately 700 feet east of the proposed crossing. Both of these crossings are protected by automatic signals. Residents desiring to travel from the business area to the residential area south of the tracks usually go by way of Second Avenue and "A" Street, thence over the Euclid Avenue or Sultana Avenue crossings. Applicant contends that this circuitous route is detrimental to the business district of Upland and has a tendency toward stifling development in the residential area south of the tracks.

Second Avenue is purely a local street in the City of Upland, extending from Foothill Boulevard on the north to a dead-end at the north right of way line of the Santa Fe on the south, a distance of approximately 4400 feet. South of the tracks, Second Avenue extends from Stowell Street to Seventh Street, a distance of approximately 1800 feet. The record indicates that at the present time there is in existence at Second Avenue a pedestrian crossing over which persons may and do travel to and from the area south of the tracks.

The profile attached to the application as Exhibit "B" indicates that if the crossing were constructed an approach grade

of 12.4 per cent would be necessary from the south. A witness testifying for the applicant, however, indicated that it might perhaps be possible to reduce this approach grade to 7 per cent, but that in so doing it would be necessary to raise the grade of Stowell Street and of a Pacific Electric industrial track located in Stowell Street which, of course, would add substantially to the cost of the project.

Four tracks are involved at the site of the proposed crossing, two industrial, one passing and one main. Over these tracks there are operated nine regular passenger trains daily, two regular local freights six days a week and four or five extra freight trains daily. The daily volume of rail movement varies from twenty to thirty-five trains per day. A speed restriction of fifteen miles per hour at Euclid Avenue, 800 feet west, probably results in a speed of twenty to twenty-five miles per hour at the site of the proposed crossing. A number of large citrus packing plants are located in the immediate vicinity of the site of the proposed crossing and at the present time it is the custom to load cars at these plants during the daylight hours and shift them manually on the industrial tracks. If the crossing were constructed, the record indicates that it would restrict the usefulness of the trackage serving these plants, as it unquestionably would be necessary that a section of track at least one car in length on either side of the crossing be left unoccupied in order that any visibility of approaching trains might be provided. Eliminating the poor view conditions which would be occasioned by the storage of cars on the industrial tracks in question, view conditions at the site of the crossing are already impaired by the presence of the packing houses just referred to.

While some local convenience perhaps would be served by the construction of the crossing at Second Avenue, we are of the opinion that public necessity and safety are best served by the utilization of the existing crossings at Euclid Avenue and Sultana Avenue. This would appear to be particularly true when it is considered that a pedestrian crossing already exists at Second Avenue and that the business area of Upland north of the tracks and the residential area south of the tracks are comparatively small in size and require a minimum walking distance.

This Commission is charged with the responsibility of doing everything within its power to protect the public at grade crossings, every one of which is recognized to be a point of potential hazard. Due to the strictly local character of Second Avenue, as described previously in this opinion, if the crossing herein were authorized and constructed and an accident were to take place, it would almost certainly involve injury or death to a resident of the City of Upland.

While automatic signals would provide some measure of protection, such signals cannot be considered as an absolute guarantee that no accidents will take place, and a careful review of the record in this matter leads us to believe that the City of Upland, with two grade crossings over this important line of railroad within a distance of 1500 feet, is not being unduly penalized as applicant's witnesses allege. We are of the opinion that in the interests of public safety the instant application should be denied, and the following Order will so provide.

O R D E R

Public hearing having been held, the matter having been duly submitted and the Commission being fully advised;

IT IS HEREBY ORDERED that the application of the City of Upland to construct Second Avenue at grade over the tracks of

The Atchison, Topeka and Santa Fe Railway Company be and the same is hereby denied.

The effective date of this Order shall be the date hereof.

Dated at San Francisco, California, this 15th day of July, 1941.

[Signature]

Justus F. Casper

Francis D. Havenner

[Signature]

Commissioners.