

Decision No. 35894**ORIGINAL**

In the Matter of Application of SOUTHERN)
 PACIFIC COMPANY for an order authorizing)
 the construction at grade of a spur track)
 across Valley Boulevard (State Highway No.)
 99), at Kaiser (formerly Etiwa), County of)
 San Bernardino, State of California.)

Application
 No. 25293

BY THE COMMISSION:

O P I N I O N

Southern Pacific Company has filed application to construct a track across State Highway between Ontario and Colton, San Bernardino County. The proposed track is to provide Southern Pacific Company access to the steel mill of Henry J. Kaiser Company now under construction, and the highway to be crossed is Valley Boulevard (U.S. 99) one of the important routes from the Los Angeles area to the east. In normal times the Commission would not view favorably the creation of a grade crossing between a track of this nature and a highway of the importance of Valley Boulevard and would insist that the crossing be made at separated grades, probably at applicant's sole expense. Under existing conditions, with shortages of critical materials required for such a structure and the time needed for its construction, it appears necessary to authorize a grade crossing but on a temporary basis only under conditions whereby the Commission can review the matter at intervals and issue suitable orders either abolishing the crossing at grade or extending the period during which it can continue to be maintained if public convenience, necessity, and safety so requires. In the event the Commission later finds that public convenience or safety requires a grade separation, consideration will be given to the fact that the necessity for incurring the expense of constructing such separation is created entirely by the need of Southern Pacific Company to secure rail access to the steel mill.

The Department of Public Works has not as yet issued a permit

for the grade crossing and the present Order is predicated on the obtaining of such permit.

This undoubtedly will be an important and busy grade crossing over one of the most heavily traveled highways of the State. Every possible provision should be made to safeguard this crossing and keep Valley Boulevard unobstructed by freight movements.

The northern point of the proposed wye connecting with the Southern Pacific main line, according to the map filed with the application, is less than 1,000 feet from Valley Boulevard and it is possible that standing equipment or switching movements might obstruct Valley Boulevard. The Order will contain a condition prohibiting such obstruction.

O R D E R

Southern Pacific Company is authorized to construct a lead track at grade across Valley Boulevard near Kaiser, San Bernardino County, at the location described in the application, to be identified as Crossing No. B-528.3-C. Applicant shall bear entire construction and maintenance expense.

Construction of said crossing shall conform to the requirements of the Department of Public Works, Division of Highways, of the State of California, with tops of rails flush with the roadway, with grades of approach conforming to the existing grades of Valley Boulevard, and of a width to provide an additional traffic lane on each side of the existing pavement for the use of vehicles required to stop at railroad grade crossings. Such additional lanes shall extend along the highway each side of the crossing for such distances as the Division of Highways may determine, but in no event greater than 500 feet. Applicant shall bear the cost of such additional lanes, but its liability for maintenance is limited to the area between the rails and two feet outside.

Protection at said crossing shall be by two Standard No. 8 crossing signals installed in accordance with Commission standards and controlled by track circuits approved by the Commission. Flood-lighting shall be installed at said crossing and kept illuminated, to the extent permissible by blackout and dimout regulations, during the approach and passage of all trains using the crossing. The cost of installing and maintaining this protection, as well as such special advance warning signs as the Division of Highways may require, shall be borne by applicant.

No train, engine, or car shall be allowed to stand on any portion of the crossing herein authorized, nor shall any switching movements be made over said crossing. Having entered the crossing all movements shall clear as quickly as practicable.

The grade crossing herein authorized shall be abolished on or before January 1, 1944, unless further time is granted by the Commission. In accepting the authority herein granted applicant is placed on notice that if and when the Commission determines that a grade separation is required at this point, the matter will be handled without prejudice to the interest of the parties as they now exist.

Applicant shall, before constructing the crossing herein authorized, file a certified copy of a permit from the Department of Public Works for the construction of said crossing at grade, and in the event that this is not done, the authorization herein granted for the installation of said crossing shall then lapse and become void.

Within thirty (30) days after completion pursuant to this order applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within one year, unless time be extended, or if above conditions are not complied with.

Authorization may be revoked or modified if public convenience, necessity, or safety so require. This order shall be effective immediately.

Dated at Los Angeles California, this 28th day of October, 1942.

Justus J. Coenen
Carl King
W. B. Kelly
Francis L. Havens
Richard K. Kase
Commissioners