

Decision No. 36018

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	ORIGINAL
LOS ANGELES & SALT LAKE RAILROAD)	
COMPANY and its lessee, UNION PACIFIC)	
RAILROAD COMPANY, for an order direct-)	
ing the physical closing of crossings)	
at grade of Fern Avenue and Palm)	
Avenue over the tracks of applicants)	Application No. 25168
in the City of Ontario, California.)	

MALCOLM DAVIS, for applicant.

HERBERT NAYLOR, for city attorney of Ontario.

NEAL D. SMITH, City Manager of Ontario.

SAM RICHARDS and T. H. HEINAUER, members of
City Council of Ontario.

H. F. CHRISTENSON, California Railroad Commission.

BY THE COMMISSION:

O P I N I O N

In this proceeding Los Angeles & Salt Lake Railroad Company and its lessee, Union Pacific Railroad Company, request an order (directing the physical closing of crossings at grade of Fern Avenue and Palm Avenue over the tracks of applicants in the city of Ontario.)

A public hearing was held before Examiner Gannon at Ontario on October 21, 1942 and the matter was submitted.

The crossings in question are identified as 3-37.5 at Fern Avenue and 3-37.55 at Palm Avenue. Closing of both crossings is urged on the ground that they constitute a hazard to the flow of troop movements and defense materials along said tracks and

across said grade crossings, as well as to the vehicular traffic using said crossings.

The testimony of applicants' witnesses was that three passenger trains and from eight to twelve freight trains passed regularly over the crossings daily, each way. These passenger trains carry troops, and much of the freight traffic consists of materials necessary in the prosecution of the war. Visibility of the tracks is cut off at 300 feet and vision from there on is impaired. In case of unusual delay trains must be cut at the crossings. A traffic count for a typical day showed 49 vehicles used Fern Avenue crossing and 85 vehicles the Palm Avenue crossing. Wigwags are in operation at the Vine Street crossing, one block to the west, and at the Laurel Street crossing, one block to the east.

The position of the city of Ontario, as indicated by the testimony of several public officials, is that there did not appear to be an immediate necessity for the closing of the crossings, but that the city would not oppose such closing for the duration of the war.

We are of the opinion that public convenience and necessity will best be served by the physical closing of both these crossings until further order of this Commission.

O R D E R

IT IS HEREBY ORDERED that Los Angeles & Salt Lake Railroad Company and its lessee Union Pacific Railroad Company are authorized to effectively close the existing public grade crossings over its tracks at Fern Avenue (crossing No. 3-37.5)

and Palm Avenue (crossing No. 3-37.55) in the city of Ontario,
County of Los Angeles, California until further order of this
Commission.

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

Dated at San Francisco, California, this 15th day
of December, 1942.

Justus J. Cameron
Francis R. Havenner
Richard Clarke
COMMISSIONERS