

Decision No. 36405

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
LOS ANGELES & SALT LAKE RAILROAD
COMPANY, a corporation, and its
lessee, UNION PACIFIC RAILROAD COMPANY,
a corporation, and SOUTHERN PACIFIC
COMPANY, a corporation, for an order
requiring the physical closing of the
extension of Oak Avenue in the City of
Pomona, California, across the tracks
of said applicants.

ORIGINAL

) Application No. 25348

EDWARD C. RENWICK, for Union Pacific Railroad
Company and Los Angeles & Salt Lake
Railroad Company, applicants.

E. L. H. BISSINGER, for Southern Pacific
Company, applicant.

BY THE COMMISSION:

O P I N I O N

Los Angeles & Salt Lake Railroad Company, Union Pacific
Railroad Company, and Southern Pacific Company have jointly filed
an application for an order requiring the physical closing of the
extension of Oak Avenue, in the city of Pomona, across the tracks
of said applicants.

A public hearing was held before Examiner Gannon at
Pomona on May 4, 1943.

Oak Avenue is located in the westerly part of the city
of Pomona and consists of a dedicated highway extending in a
north and south direction between First and Third Streets only.
The Union Pacific Railroad Company maintains and operates a single
main track, of open type construction, lying within the northerly
part of First Street. The southerly part of First Street,

adjacent to the Union Pacific track, is improved with a narrow paved roadway. Adjoining the north line of First Street a 100-foot right-of-way is owned by the Southern Pacific Company upon which the main track and a passing track are constructed.

Between the north line of Southern Pacific Company's right-of-way and Holt Avenue, one-quarter mile north thereof, lies a tract of agricultural land including a single residence. This tract is served by the crossing in question and is the only property so served by said crossing. Access to the property involved is also had from Holt Avenue.

At right angle to the north line of the pavement on First Street, and continuing along the northerly prolongation of Oak Avenue, a roadway ten feet in width paved with plant-mix has been constructed across the tracks of both applicants. A narrow dirt continuation from the northerly line of the Southern Pacific right-of-way has been maintained through the private property to connect with Holt Avenue. It will be observed that this roadway serves as an egress for the above property to Holt Avenue without the necessity of crossing a railroad.

The elevation of the tracks is considerably above the adjacent ground, whereby extreme approaches are encountered in crossing the tracks of both applicants, offering unusual hazards to vehicles using the crossing.

Traffic counts submitted by applicant Union Pacific Railroad Company for a typical day showed a very limited use of the crossing by the public. A sign is maintained on the property north of the railroad, indicating that the road which connects with the crossing is regarded as private. The train movement over

the crossing is now largely of a military character and any accident at the crossing in question would result in interrupting the flow of troops and materiel.

Interested parties, including the city of Pomona, were notified of the hearing but made no appearance.

As we review the record herein it appears that public convenience and necessity require the physical closing of the crossing hereinabove described and the order which follows will so provide.

O R D E R

The above application having been filed, a public hearing having been held, and the Commission being fully advised,

IT IS HEREBY ORDERED that Los Angeles & Salt Lake Railroad Company and its lessee, Union Pacific Railroad Company and Southern Pacific Company, are authorized to effectively close, until further order of the Railroad Commission, the existing grade crossing over tracks of applicants at Oak Avenue, Pomona, California.

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

Dated at San Francisco, California, this 15 day of June, 1943.

Francis A. Habemus
Justice P. Macaulay
Richard L. Burke
Francis O. Lane
COMMISSIONERS