

Decision No. 36498

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the COUNTY OF SAN BERNARDINO for per-)
 mission to construct a crossing at)
 grade over the tracks of the Southern)
 Pacific Railroad in the vicinity of) Application No. 25544
 the easterly city limits of the city)
 of Ontario, County of San Bernardino,)
 State of California.)

DONALD S. GILLESPIE, Deputy District Attorney,
San Bernardino County, for applicant.

FRANK KARR and E. L. H. BISSINGER, by E. L. H.
BISSINGER, for Southern Pacific Company,
protestant.

BY THE COMMISSION:

O P I N I O N

This is an application of the County of San Bernardino for authority to construct a crossing at grade over the main-line track of the Southern Pacific Company (El Paso route) in the vicinity of the easterly city limits of the city of Ontario.

A public hearing was held by Examiner Gannon at Ontario on June 8, 1943, at which time the matter was submitted.

It is proposed to construct the crossing at Grove Avenue at a point approximately 1300 feet easterly of the east city limits of Ontario. The city has established a municipal airport southeast of the proposed crossing site, which is under lease to the federal government. Applicant alleges that the crossing is necessary to afford easy access to the airport, and that other crossings in the vicinity have been closed to public

use. The nearest crossing on the west is at Bon View Avenue, approximately 2500 feet distant, and on the east at Turner Avenue, approximately 2½ miles distant.

Urging the necessity for the crossing were two witnesses, both interested in a cooperative winery establishment located one-quarter mile east of Grove and south of California Street, ⁽¹⁾ Their interest was in providing direct access to the processing plant of said winery. The organization has some thirty-four members, and processed approximately 7300 tons of grapes last season, 82 per cent of which came from the district lying to the northeast. Trucks from this district would save about two miles per round trip were the crossing available.

The testimony of these two witnesses constituted the entire showing on behalf of public need for the crossing, though the application was also favored by the City Manager of Ontario.

Viewing the record herein we are unable to conclude that there exists public need for a crossing at Grove Street. Residents whose homes lie between the tracks of the Southern Pacific and the Union Pacific have an outlet toward the city of Ontario via State Street, and the airport is also afforded access from and to Ontario by means of State Street, which is improved to the westerly limits of the field.

The military encampment to the east of the proposed crossing will not be benefited, and the air field is now adequately served across the tracks of the Southern Pacific through existing crossings, now closed to the public, but at which points guards are

(1) The location of streets and highways in the vicinity of the proposed crossing is shown by Exhibit No. 1.

stationed to permit military personnel to enter and leave the encampment. There is nothing in the record to indicate that the United States Government favors the construction of the crossing.

A review of the evidence clearly indicates that public convenience and necessity do not require the opening of said crossing and the application will therefore be denied.

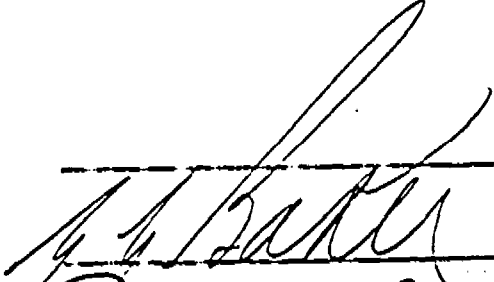
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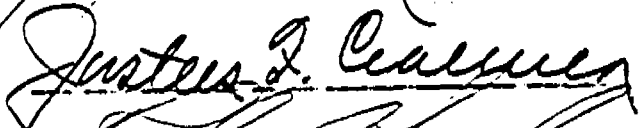
The above entitled application having been filed, a public hearing having been held, and the Commission being now fully advised;


IT IS ORDERED that the application of the County of San Bernardino for authority to construct a crossing at grade over the tracks of the Southern Pacific Company at Grove Street in the city of Ontario, be and it is hereby denied.


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

Dated at San Francisco, California, this 20th day of July, 1945.









Commissioners