

ORIGINALDecision No. 60225

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 PACIFIC ELECTRIC RAILWAY COMPANY, a
 corporation, for authority to remove
 the Orange Heights Spur Track north-
 erly from the Pomona-Upland Line at
 Benson Avenue, in the City of Upland,
 and to eliminate carload service to
 the Non-Agency Station of Orange
 Heights, City of Upland, State of
 California.

Application No. 41995

E. D. Yeomans and James W. Obrien, by James W. Obrien,
 for applicant.

Ronald E. Yielding, Assistant City Manager, and
Henry Busch, City Attorney, for the City of Upland;
Kenneth P. Long, for Ace Rock Products Company
 (president), Holliday Rock Company (president), and
 Base Rock Company (vice president); Robert Walline
 for West End Consolidated Water Company and Mt. View
 Water Company; A. S. Peterson, for Associated Rock
 Products; and Andrew Bongiovanni, in propria personae;
 protestants.

Mary L. Gillingwaters, Joseph Cairrao, and Mr. and Mrs.
Joe W. Morgensen, in propria personae; Dewey M. Cable,
 for Cable Airport; Royal V. Ward, for Mt. View Water
 Company; and C. D. Adams, for San Antonio Water
 Company; interested parties.

O P I N I O N

By the application herein, filed on March 1, 1960, Pacific
 Electric Railway Company, a corporation, (applicant), seeks author-
 ity to remove its Orange Heights spur track which extends northerly
 from the Pomona-Upland Line at Benson Avenue, in the City of Upland,
 and to eliminate carload service to the nonagency station of Orange
 Heights, California.

A public hearing on the application was held in Upland, California, before Examiner Kent C. Rogers on April 22, 1960. At the close thereof, the applicant was required to file an exhibit within 15 days. This exhibit has been filed and the matter is ready for decision. Prior to the hearing notice thereof was posted and published as required by this Commission.

The spur track involved runs north from Huntington Drive in the City of Upland, San Bernardino County, California, a distance of approximately 7000 feet along Benson Avenue to its terminus at the nonagency station of Orange Heights (a tariff point only - no facilities) in San Bernardino County immediately west of the west city limits of said city (Exhibit No. 1). At said terminus, applicant has an area of approximately four acres for loading and unloading cars (Orange Heights Station). One industry spur is located on the line at the southeast corner of Benson Avenue and Foothill Boulevard but the spur has impaired clearance and is not usable.

Exhibit No. 2 shows the total traffic over the line for ten years commencing with January, 1950. In 1950, 1951, 1952 and 1953, the track was unused. In 1954 the San Antonio Dam was constructed and there were 27 carloads received which gave the applicant a total revenue of \$4,694. In 1955 there were six carloads of construction machinery and two carloads of wallboard and hardware received which gave the applicant a total revenue of \$2,119. In 1956 one carload of construction machinery was received and one was forwarded, giving the applicant a total revenue of \$380. Since 1956 there has been no use made of the track either to forward or receive shipments.

The track and station were originally installed in 1919 to enable the applicant to handle inbound shipments of fertilizer, shock and straw for use in the citrus groves then in the area, and to handle the outbound shipments of citrus fruits. At present there are no citrus packing houses in the vicinity.

There remains a nonagency station at Upland $2\frac{1}{2}$ miles east of the track at which four cars can be spotted, and a nonagency station at Claremont the same distance west of the track. In addition, The Atchison, Topeka and Santa Fe Railway serves Upland by a track parallel to the Southern Pacific main line a quarter of a mile south thereof.

It will require the expenditure of an estimated \$6,020 to put the track in condition to use for a period of one year, including the replacement of one-fourth, or 920, of the ties at a cost of \$5,520 and destroying the weeds at a cost of \$500 (Exhibit No. 5). In the second year the cost would be the same. In the third year, 400 ties would require replacement. The cost of the weed killer would be an annual cost.

Exhibit No. 3 herein shows the zoning in the vicinity of the track and approximate locations of rock, sand and gravel producers which protested the abandonment of the track. None of them has used the applicant's services although each ships substantial tonnages by truck.

The only industry on the spur at present is the California Trailer and Metals Company which has been on the northwest corner of Foothill Boulevard and Benson Avenue for ten years. The applicant has solicited business from this company on six or seven occasions

but has been given none. The sand and gravel industries in the area objected to the abandonment of the spur but presently use trucks to ship their products. The City of Upland objected to the abandonment on the basis of the expected growth of the area and of heavy industry.

The owner of an airport on 13th Street and Benson Avenue testified that several industries had refused to locate in the area because the spur track is on Benson Avenue.

Upon the evidence of record herein, it appears, and we find, that public convenience and necessity no longer require that applicant maintain its Orange Heights spur track and the nonagency station of Orange Heights. Accordingly the order which follows will authorize the abandonment of the nonagency station and the removal of said spur track.

O R D E R

An application having been filed, a public hearing having been held thereon, and the Commission having made the foregoing findings and based on said findings,

IT IS ORDERED that Pacific Electric Railway Company may remove its spur track running in a generally northerly direction from the said railroad's Pomona-Upland Line, along west side of Benson Avenue in the City of Upland, and may abandon the nonagency station of Orange Heights, may eliminate the name of said nonagency station from its station records, and may cancel all tariffs and time schedules applying at said station on not less than five days' notice to the Commission and the public. Such tariff changes shall quote the decision number as the requisite authority.

This order shall not be construed as authorization to increase rates or charges.

Within thirty days after abandonment as authorized herein, applicant shall so notify this Commission in writing. This authorization will expire if not exercised within one year, unless time be extended.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 6th day of June, 1960.

Ernest B. Page
President
E. Mitchell
Theodore J. Jensen

Commissioners

Matthew J. Dooley
Commissioners C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.