

Decision No. 72242

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the City of Ontario, a Municipal
Corporation of the State of California,
to construct a public street across the
Southern Pacific Company Railroad Right
of Way at Grove Avenue.

Application No. 48210
(Filed January 26, 1966)

Kenneth G. Ziebarth, Jr.,
for applicant.
William E. Still, for
Southern Pacific Company,
protestant.
John P. Ukleja, for the
Commission staff.

O P I N I O N

City of Ontario seeks authority to extend Grove Avenue, a public street in the city of Ontario, across the Southern Pacific Company railroad. Attached hereto and marked Appendix A is a diagram showing the adjoining streets and other railroad crossings in the area.

Public hearing was held before Examiner DeWolf at Ontario, California, on August 4, 1966, at which time the matter was submitted subject to the filing of concurrent briefs, since received.

The application describes the proposed crossing by metes and bounds and alleges public necessity for the crossing due to recent tremendous growth and that the nearest crossing on the east is 2.02 miles distant. The application alleges that a grade separation is not economically feasible at this time and proposes protection of the crossing by two Standard No. 8 flashing lights

supplemented by automatic crossing gates, with advance warning signs and pavement markings. Topography location and street profile maps are attached to the application, and a portion of the location map showing the streets surrounding this proposed crossing has been reproduced in part and is attached hereto and marked Appendix A.

Twelve witnesses testified for the applicant and favored the application, and sixteen exhibits were received in evidence. Four of the witnesses were the mayors of four adjoining cities in the area, others were the fire chief of the City of Ontario, city engineers from three cities, representatives of engineering and planning from three cities, representatives from two industrial plants and the Ontario airport, and managers of the Chamber of Commerce and the Real Estate Board of Ontario.

Exhibits 1 through 4 are resolutions of the cities of Ontario, Chino, Montclair and Upland. Exhibit 5 is a map of Ontario west end general plan of the San Bernardino County Planning Department. Exhibit 6 is a resolution of the Ontario Planning Commission. Exhibit 7 is a master plan of streets and highways of the city of Ontario. Exhibit 8 is a graph showing present and projected passengers at Ontario International Airport. Exhibit 9 is a layout plan for the Ontario International Airport. Exhibits 10 and 11 are resolutions from the Ontario Chamber of Commerce and the Industrial Committee of the Ontario-Upland Board of Real Estate Brokers. Exhibit 12 is an Ontario street plat, and Exhibits 13, 14 and 15 are traffic flow charts and a vicinity plat for the city of Ontario, and Exhibit 16 is a street plat submitted to the California

Highway Commission. The evidence of the witnesses for applicant described the rapidly increasing development and traffic in this area, due to building construction at Ontario International Airport, a new industrial park south of the Union Pacific railroad, and a proposed automobile race course to be constructed northeast of the airport. All of the witnesses testified to increasing traffic congestion at the railroad crossings to the west of Grove Avenue and to the need of an additional railroad crossing at this proposed point. Other new construction was also described, such as the proposed Pomona Freeway in the southern part of the City of Ontario. The engineers and witnesses for the City of Ontario testified to the immediate need of a crossing at Grove Avenue to alleviate the traffic congestion at the other crossings in Ontario, and further testified that a grade separation was not economically feasible at this time due to its cost estimated to exceed no less than ten times the amount of a crossing at grade. The witnesses also testified that the three other crossings to the west of Grove have a higher priority for grade separation than Grove Avenue and should be considered for grade separations before money is expended for a separation at this point.

The Southern Pacific Company opposed the application on the ground that Grove Avenue should not be opened as a public crossing except as a grade separation. Two witnesses testified for the railroad but had made no study of the crossing to determine whether a grade or separated crossing was indicated. A witness testified that no opinion was rendered or could be rendered as to whether an overpass or underpass could be constructed at this location because no study thereof has been made. An engineer for the railroad testified

that a minimum cost type of separation would serve this area for a limited time, and that any delay in its construction could result in tremendously increased cost caused by access problems or changes in airport requirements. The witness for the railroad opposed the construction of a crossing at grade, and stated that opening a crossing at grade would cause a traffic situation making later construction of a grade separation difficult because of a marked increase in future costs. The witness also testified that the Southern Pacific Company operates forty to fifty trains per day with speeds up to 65 miles per hour at this crossing.

The Public Utilities Commission staff did not offer any evidence, but the staff representative stated that if a crossing is built at this location it should be a grade separation, and monies spent to improve Grove Avenue should be invested in a separation before the area is fully developed. He recommended that the application be denied.

Analysis of the evidence indicates that the city proposes to construct Grove Avenue as a major north-south street from city limit to city limit. The right-of-way will be from 88 to 100 feet in width, and the city's witness indicated that the street when fully developed will carry some 16,000 vehicles daily at the point of crossing and will be the third most important north-south street in the city. The testimony further indicated, however, that before Grove Avenue can perform its ultimate plan to function, it will be necessary for the City of Ontario to improve the grade crossing of the Union Pacific Railroad about one-half mile south of the proposed Southern Pacific crossing, ^{1/} to extend Grove Avenue through the John Galvin Park and to widen and pave Grove Avenue at various points along its route,

^{1/} The Commission takes notice of a filing by the City of Ontario, under General Order No. 88, on Feb. 7, 1967, for authority to improve the Grove Avenue grade crossing over the tracks of the Union Pacific Railroad, Crossing No. 3-39.0.

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which widening will require acquisition of some additional property and right-of-way. It, therefore, appears that the application is premature at the present time.

The Commission concludes that Application No. 48210 should be denied without prejudice to the filing by the City of Ontario of a petition to re-open the proceeding when the work outlined in the paragraph above has been budgeted or completed.

O R D E R

IT IS ORDERED that Application No. 48210 is denied without prejudice.

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

Dated at San Francisco, California, this 4th day of APRIL, 1967.

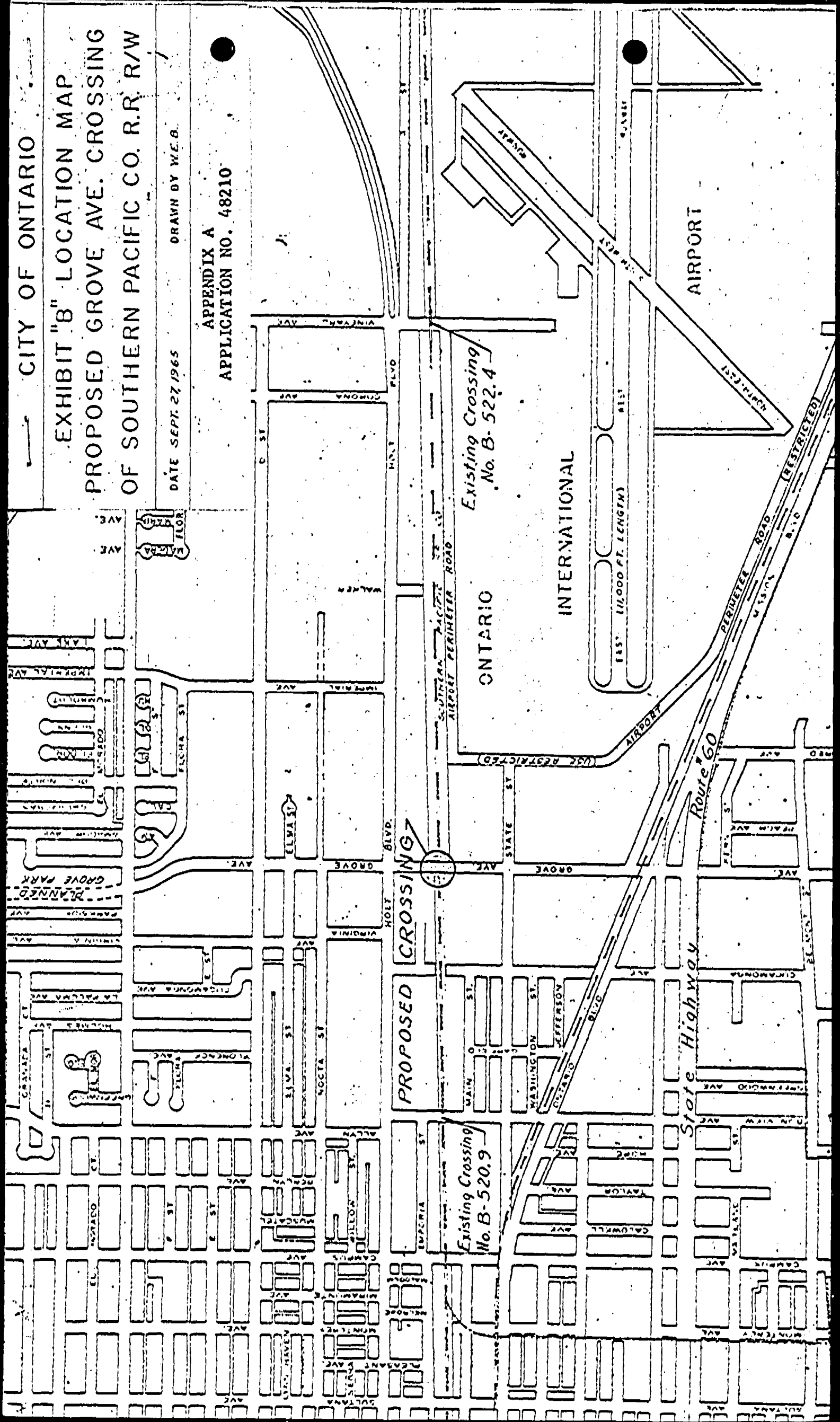
[Signature]
President
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Attorney General
[Signature]
William J. [Signature]
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Commissioners

CITY OF ONTARIO

EXHIBIT "B" LOCATION MAP
PROPOSED GROVE AVE. CROSSING
OF SOUTHERN PACIFIC CO. R.R. R/W

DATE SEPT. 27, 1965 DRAWN BY W.E.B.

APPENDIX A
APPLICATION NO. 48210



PROPOSED CROSSING

Existing Crossing
No. B-520.9

Existing Crossing
No. B-522.4

State Highway
Route 60

INTERNATIONAL

AIRPORT

ONTARIO

SOUTHERN PACIFIC
AIRPORT PERIMETER ROAD

EAS' 11,000 FT. LENGTH

PERIMETER ROAD

(RESTRICTED)

PROPOSED

Existing Crossing
No. B-520.9

Existing Crossing
No. B-522.4

State Highway
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