

ORIGINAL

Decision No. 12112

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of application of }
Southern Pacific Company for an }
order authorizing the construc- }
tion at grade of a branch line }
railroad track and spur track } Application No. 8924.
crossing 21 County roads from }
Magunden to Arvin, total length }
approximately 18.8 miles, County }
of Kern, State of California. }

H. M. Hobbs, for Applicant.

MARTIN, COMMISSIONER:

O P I N I O N

Southern Pacific Company, a corporation, asks authority in this application to construct twenty-six crossings at grade in the County of Kern, State of California. All of these crossings are incident to the construction of a branch line approximately nineteen miles long which the applicant proposes to construct southerly from Magunden through the so-called Weed Patch territory to Arvin. The applicant has been given a certificate of public convenience and necessity by the Interstate Commerce Commission authorizing the construction of the branch line itself. The present proceedings concern only the construction of the line across the several public roads which the line proposes to cross.

A public hearing was held on this proceeding in

Bakersfield, on May 11, 1923.

The branch line on which these various crossings are to be constructed diverts from the Southern Pacific main line between Bakersfield and Los Angeles at a point near Magunden, approximately three miles easterly from Bakersfield and runs thence southerly for a distance of about seven miles. The line for this distance is parallel to and immediately west of a steel tower transmission line of Southern California Edison Company which is located approximately one-half mile west of the range line common to Range 28 East and Range 29 East, M. D.B. & M. After having gone south this seven miles the line turns east for a distance of about five and one-half miles running along a line about one mile south of Township line common to Township 30 South and Township 31 South, M.D.B. & M. The line then turns south again for a distance of a little over four miles running along a line approximately one mile west of the range line common to Range 29 East and Range 30 East and thence turns east again for a distance of a little over one-half mile to a point in the northerly portion of Section 36, Township 31 South, Range 29 East. It is also proposed to build a spur track which will divert from the above described branch at a point near the southwest corner of Section 12, Township 31 South, Range 29 East and run a little over one and one-half miles east to a point in the southerly part of Section 7, Township 21 South, Range 30 East.

There is a public road located on each section line crossed by the proposed railroad and in certain instances there is in addition public roads on intermediate lines within a section.

The original application, filed April 16, 1923, in this proceeding asked permission to construct twenty-one of the twenty-six crossings involved but subsequently on May 2, 1923 applicant filed a supplemental application in which permission was requested to construct the other five crossings. The Engineering Department of the Commission presented at the hearing the results of its investigation and made recommendations with respect to each of the crossings involved. Two of the twenty-six crossings are of sufficient importance to justify careful consideration and these will each be commented on briefly, as follows:

Tehachapi Road. This is the first road crossed by the proposed branch after leaving the main line. This road, at the point of crossing, is a paved county highway lying parallel to and immediately south of the main line of the railroad. It is the principal route from Bakersfield to the territory lying east and southeast of that city and is one of the routes of travel, although not the most important, between Bakersfield and Los Angeles. A traffic count taken on May 9, 1923 showed a total of 824 vehicles passed on this road in a twenty-four hour period. Part of this is high speed traffic. The road at the point where the branch line will cross it is approximately five feet below the top of rail of the main track adjacent. The junction switch of the branch line will be about one-fourth mile westerly of the proposed crossing of Tehachapi Road so that it will not be necessary to change the elevation of the highway at this point. The view is entirely unobstructed in all directions. The most objectionable feature of the proposed crossing being the fact that the railroad crossing is

at an angle of about thirty (30) degrees. Being adjacent to the junction switch it is probable that all train movements will be at a relatively slow speed. In view of all these conditions it appears that this crossing should be protected by an automatic flagman and that movements over it should further be restricted to the extent of prohibiting the movement of any car across the road which is not coupled to a locomotive and that a member of the train crew should act as a human flagman at this crossing for any movement in which a car is shoved ahead of the engine propelling the same. A separation of grades at this point does not seem to be justified at this time.

Weed Patch Highway. This is a paved county highway running south from Magunden to Weed Patch along the range line common to Range 28 East and Range 29 East, M.D.B. & M. and is one of the principal tributaries feeding into the Tehachapi Road above described. A traffic count taken on May 8, 1923 at this crossing between the hours of six a.m. and ten p.m. showed a total traffic of 215 vehicles. The view at this crossing is not seriously obstructed in any direction, but since the traffic is quite substantial and operated at relatively high speed on both the railroad and the highway, this crossing should be protected by an automatic flagman.

All of the other twenty-four crossings concerned in this proceeding are dirt roads which carry a traffic varying from as low as one vehicle per day to as high as possibly fifty vehicles per day. In no case are any of the crossings so situated that the view is seriously obstructed and special comment as to each crossing appears to be unnecessary. All

of these crossings are described in report filed in this proceeding by the engineering department as the Commission's exhibit No. 1. Each of the crossings should, of course, be protected by a standard crossing sign and the proper advance warning signs. Grades of approach at all of the crossings should be made less than two per cent. As the territory served by the proposed branch develops there will, of course, undoubtedly be various obstructions to view at many of the crossings and there is no doubt but that the traffic on some of the roads will very substantially increase, and some of the roads may from time to time be improved with hard surface pavement. These future developments will, of course, present new requirements as to protection, provision for which can be made when needed.

Applicant has filed in this proceeding the necessary franchise from the Board of Supervisors of the County of Kern whereby said county gives its consent to the construction of the several grade crossings and no objection has been made to the granting of this application.

The following form of order is suggested.

O R D E R

Southern Pacific Company, a corporation, having made application to the Commission for permission to construct certain crossings at grade in the County of Kern, as hereinafter indicated, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that permission be and it is hereby granted Southern Pacific Company to construct a track at grade across twenty-six public roads in the County of Kern

described as follows:

Crossing No. 1 - Tehachapi Road

Commencing at a point on the southwesterly boundary line of the right of way of Southern Pacific Railroad Company's present constructed and operated railroad in the southwest quarter of Section 36, Township 29 South, Range 28 East, M.D.B. & M., near Magunden, which right of way boundary line is also the northeasterly boundary line of the right of way for paved County Highway; thence in a southeasterly direction on a 10° curve to the right, crossing the center line of said Highway at Engineer Station "R" 12 plus 58.7, to a point on the southwesterly boundary line of said Highway.

Crossing No. 2 - County Road

Commencing at a point on the north boundary line of the County Road running east and west between Section 36, Township 29 South, Range 28 East, M.D.B. & M. and Section 1, Township 30 South, Range 28 East, M.D.B. & M.; thence southeasterly on a curve to the right, crossing the center line of said road at Engineer Station "R" 39 plus 62.8, to a point on the south boundary line of said road.

Crossing No. 3 - County Road

Commencing at a point on the north boundary line of the County Road running east and west through Section 1, Township 30 South, Range 28 East, M.D.B. & M.; thence south $0^{\circ} 03'$ west crossing the center line of said road at Engineer Station "D" 42 plus 80.6, which is 30.2 feet west of the intersection of the center line of said road with the center line of the County Road running north and south through said Section to a point on the south boundary line of said road.

Crossing No. 4 - County Road

Commencing at a point on the north boundary line of the County Road running east and west through Section 1, Township 30 South, Range 28 East, M.D.B. & M., thence south $0^{\circ} 03'$ west crossing the center line of said road at Engineer Station "D" 56 plus 06.8, which is 31.2 feet west of the intersection of the center line of said road with the center line of the County Road running north and south through said Section, to a point on the south boundary line of said road.

Crossing No. 5 - County Road

Commencing at a point on the north boundary line of the County Road running east and west between Sections 1 and 12, Township 30 South, Range 28 East, M.D.B. & M.; thence south $0^{\circ} 03'$ west, crossing the center line of said road at Engineer Station "D" 82 plus 56.2, to a point on the south boundary line of said road.

Crossing No. 6 - County Road

Commencing at a point on the north boundary line of the County Road running east and west between Sections 12 and 13, Township 30 South, Range 28 East, M.D.B. & M.; thence south $0^{\circ} 03'$ west, crossing the center line of said road at Engineer Station "D" 135 plus 53.8, to a point on the south boundary line of said road.

Crossing No. 7 - Hermosa Road

Commencing at a point on the north boundary line of the County Road, known as Hermosa Road, running east and west between Sections 13 and 24, Township 30 South, Range 28 East, M.D.B. & M.; thence south $0^{\circ} 03'$ west, crossing the center line of said road at Engineer Station "D" 188 plus 54.0, to a point on the south boundary line of said road.

Crossing No. 8 - White Wolf Road

Commencing at a point on the north boundary line of the County Road, known as White Wolf Road, running east and west between Sections 24 and 25, Township 30 South, Range 28 East, M.D.B. & M.; thence south $0^{\circ} 03'$ west, crossing the center line of said road at Engineer Station "D" 241 plus 65.8, to a point on the south boundary line of said road.

Crossing No. 9 - Mountain View Road

Commencing at a point on the north boundary line of the County Road, known as Mountain View Road, running east and west between Sections 25 and 36, Township 30 South, Range 28 East, M.D.B. & M.; thence south $0^{\circ} 03'$ west, crossing the center line of said road at Engineer Station "D" 294 plus 50.6, to a point on the south boundary line of said road.

Crossing No. 10 - Panama Road

Commencing at a point on the north boundary line of the County Road, known as Panama Road, running east and west between Section 36, Township 30 South, Range 28 East, M.D.B. & M. and Section 1, Township 31 South, Range 28 East, M.D.B. & M.; thence south $0^{\circ} 16'$ west, crossing the center line of said road at Engineer Station "D" 347 plus 53.8, to a point on the south boundary line of said road.

Crossing No. 11 - Weed Patch Highway

Commencing at a point on the west boundary line of the paved County Highway, known as the Weed Patch Highway, running north and south between Section 1, Township 31 South, Range 28 East, M.D.B. & M. and Section 6, Township 31 South, Range 29 East, M.D.B. & M.; thence north $89^{\circ} 47'$ east, crossing the center line of said road at Engineer Station "D" 424 plus 14.0, to a point on the east boundary line of said Highway.

Crossing No. 12 - County Road

Commencing at a point on the west boundary line of the County Road running north and south between Sections 6 and 5, Township 31 South, Range 29 East, M.D.B. & M.; thence north $89^{\circ} 40'$ east, crossing the center line of said road at Engineer Station "L" 440 plus 16.0, to a point on the east boundary line of said road.

Crossing No. 13 - Edison Drive

Commencing at a point on the west boundary line of the County Road, known as Edison Drive, running north and south between Sections 5 and 4, Township 31 South, Range 29 East, M.D.B. & M.; thence north $89^{\circ} 40'$ east, crossing the center line of said road at Engineer Station "L" 493 plus 52.1, to a point on the east boundary line of said road.

Crossing No. 14 - Malaga Drive

Commencing at a point on the west boundary line of the County Road, known as Malaga Drive, running north and south between Sections 4 and 3, Township 31 South, Range 29 East, M.D.B. & M.; thence easterly on a $0^{\circ} 10'$ curve to the right, crossing the center line of said road at Engineer Station "L" 546 plus 92.4, to a point on the east boundary line of said road.

Crossing No. 15 - Comanche Drive

Commencing at a point on the west boundary line of the County Road, known as Comanche Drive, running north and south between Sections 3 and 2, Township 31 South, Range 29 East, M.D.B. & M.; thence north $89^{\circ} 48'$ east, crossing the center line of said road at Engineer Station "L" 600 plus 20.4, to a point on the east boundary line of said road.

Crossing No. 16 - Greenfield Road

Commencing at a point on the north boundary line of the County Road, known as Greenfield Road, running east and west between Sections 2 and 11, Township 31 South, Range 29 East, M.D.B. & M.; thence in a southeasterly direction on a 10° curve to the right and crossing the center line of said road at about Engineer Station "L" 651 plus 07.0, to a point on the south boundary line of said road.

Crossing No. 17 - Tejon Road

Commencing at a point on the west boundary line of the County Road, known as Tejon Road, running north and south between Sections 11 and 12, Township 31 South, Range 29 East, M.D.B. & M.; thence in a southeasterly direction on a 10° curve to the right and crossing the center line of said road at about Engineer Station "L" 655 plus 08.0, to a point on the east boundary line of said road.

Crossing No. 18 - Buena Vista Boulevard

Commencing at a point on the north boundary line of the County Road, known as Buena Vista Boulevard, running east and west between Sections 12 and 13, Township 31 South, Range 29 East, M.D.B. & M.; thence south $0^{\circ} 40'$ east, crossing the center line of said road at Engineer Station "K" 705 plus 25.2, to a point on the south boundary line of said road.

Crossing No. 19 - Sunset Boulevard

Commencing at a point on the north boundary line of the County Road, known as Sunset Boulevard, running east and west between Sections 13 and 24, Township 31 South, Range 29 East, M.D.B. & M.; thence south $0^{\circ} 21\frac{1}{2}'$ east, crossing the center line of said road at Engineer Station "K" 758 plus 17.3, to a point on the south boundary line of said road.

Crossing No. 20 - County Road

Commencing at a point on the north boundary line of the County Road running east and west through Section 24, Township 31 South, Range 29 East, M.D.B. & M., which point is 30.1 feet east of the northeast corner of the intersection of said road with Tejon Road; thence south $0^{\circ} 35'$ east crossing the center line of said road at Engineer Station "K" 771 plus 46.5 to a point on the south boundary line of said road.

Crossing No. 21 - County Road

Commencing at a point on the north boundary line of the County Road running east and west through Section 24, Township 31 South, Range 29 East, M.D.B. & M.; thence south $0^{\circ} 35'$ east crossing the center line of said road at Engineer Station "K" 784 plus 66.1 to a point on the south boundary line of said road which is 30.1 feet east of the southeast corner of the intersection of said road with Tejon Road.

Crossing No. 22 - County Road

Commencing at a point on the north boundary line of the County Road running east and west through Section 24, Township 31 South, Range 29 East, M.D.B. & M., which point is 30.5 feet east of the northeast corner of the intersection of said road with Tejon Road; thence south $0^{\circ} 35'$ east crossing the center line of said road at Engineer Station "K" 797 plus 85.7 to a point on the south boundary line of said road.

Crossing No. 23 - Bear Mountain Boulevard

Commencing at a point on the north boundary line of the County Road, known as Bear Mountain Boulevard, running east and west between Sections 24 and 25, Township 31 South, Range 29 East, M.D.B. & M.; thence south $0^{\circ} 35'$ east crossing the center line of said road at

Engineer Station "L" 811 plus 36.2, to a point on the south boundary line of said road.

Crossing No. 24 - Sycamore Road

Commencing at a point on the north boundary line of the County Road, known as Sycamore Road, running east and west between Sections 25 and 36, Township 31 South, Range 29 East, M.D.B. & M.; thence in a southeasterly direction on a 10° curve to the left and crossing the center line of said road at Engineer Station "E" 865 plus 58.0, to a point on the south boundary line of said road.

Crossing No. 25 - Sycamore Road

Commencing at a point on the north boundary line of the County Road, known as Sycamore Road, running east and west between Sections 25 and 36, Township 31 South, Range 29 East, M.D.B. & M.; thence south $0^{\circ} 35'$ east, crossing the center line of said road at Engineer Station "L" 864 plus 33.4 to a point on the south boundary line of said road.

Crossing No. 26 - Tower Line Road

Commencing at a point on the west boundary line of the County Road, known as Tower Line Road, running north and south between Section 12, Township 31 South, Range 29 East, M.D.B. & M. and Section 7, Township 31 South, Range 30 East, M.D.B. & M.; thence in an easterly direction on a $0^{\circ} 10'$ curve to the right crossing the center line of said road at Engineer Station "H" 754 plus 91.9, to a point on the east boundary line of said road.

All of the above as shown by the maps (sheets 1 and 2 of drawing #17878) attached to the application, and map (drawing #17900) attached to the supplemental application; said crossings to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings, except crossing No. 20, shall be constructed of a width and type to conform to those portions of said roads now graded with the top of rails flush with the pave-

ment, and with grades of approach not exceeding two (2) per cent; shall each be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic. Said crossing No. 20 shall be so constructed that grades of approach not exceeding two (2) per cent will be feasible in the event that the construction of a roadway shall hereafter be authorized across the railroad at this point and so that said crossing No. 20 may be made safe for the passage thereover of vehicles and other road traffic.

(3) An automatic flagman shall be installed and maintained at the sole cost of applicant for the protection of each of the following crossings, namely:

Crossing No. 1 - Tehachapi Road

Crossing No. 11 - Weed Patch Highway

Said automatic flagman shall be of a type and installed in accordance with plans or data approved by the Commission.

(4) No car shall be operated over said crossing No. 1, Tehachapi Road, except when coupled to a locomotive, and no movement of a locomotive or train in which a car precedes the locomotive propelling the same, shall be made over said crossing No. 1 unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(5) This order is made upon the express condition that the County Road on the east and west line through the center of the north half of Section 24 (crossing No. 20) is not now actually constructed and open to travel at the point of crossing, and said order shall not be deemed an authorization for the construction or opening of said road to public use across said railroad track.

(6) Applicant shall, within thirty (30) days there-

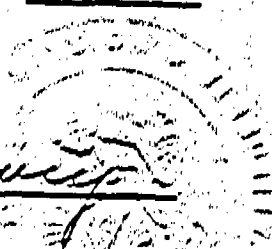
after, notify this Commission, in writing, of the completion of the installation of said crossings.

(7) The authorization herein granted for the installation of said crossings will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(8) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

This order shall become effective three (3) days after the making thereof.

Dated at San Francisco, California, this 19th day of May, 1923.


C. Seaver
Dwight Martin
J. J. McElroy
Commissioners.