

Decision No. 12749

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the matter of the application of  
SOUTHERN PACIFIC COMPANY for an  
order authorizing the construction at  
grade of four (4) side tracks crossing  
Mt. Vernon Avenue in the City of  
Bakersfield, County of Kern, State of  
California.

Application No. 9139.

Francis J. Tebeau, Joe Smith,  
L. S. Abel and Henry William  
Scott,

Complainants.

Case No. 1945.

vs

SOUTHERN PACIFIC RAILROAD, a  
Corporation, and ARCEISON,  
TOPEKA AND SANTA FE RAILWAY,  
a Corporation,

Defendants.

W. H. Hobbs, for Applicant.

Francis J. Tebeau, for Complainants.

MARTIN, COMMISSIONER:

OPINION

ON ORDER FOR REOPENING PROCEEDING.

The above entitled matters originally came before the Commission in the form of an application by Southern Pacific Company for permission to construct four side tracks at grade across Mt. Vernon Avenue.

Attached to this application was a certified copy of a permit granted by the Board of Supervisors of Kern County, on June 4, 1923, for the construction of these four tracks across Mt. Vernon Avenue. After the usual investigation in accordance with the Commission's customary procedure, an ex parte

order (Decision 12338) was made by the Commission on July 13, 1923 in which the application was granted subject to certain conditions.

Francis J. Tebeau et al, on August 27, 1923, filed a formal complaint (Case 1945) setting forth that the construction of four additional tracks at grade across said Mt. Vernon Avenue would make a greater menace to life and property and asking that a subway be installed under these tracks at said Mt. Vernon Avenue. The Commission, thereupon, on August 27, 1923 issued its Order Reopening Proceeding in application 9139 and a public hearing was held on both of the above entitled proceedings in Bakersfield, Friday, September 7, 1923. At the hearing it was stipulated by complainant and by defendant in Case 1945 that they both waive service of the complaint and that said complaint be heard at this time.

The railroad, at this location, consists of two main line tracks and one side track which are owned, operated, and maintained by Southern Pacific Company and over which The Atchison, Topeka & Santa Fe Railway Company have the right to operate trains by virtue of a joint track agreement. The railroad runs in an easterly and westerly direction between Bakersfield and Magunden and the crossing of Mt. Vernon Avenue is located about one half mile easterly of the easterly city limits of Bakersfield.

The applicant proposes to construct the four additional tracks from a point easterly of Mt. Vernon Avenue and extending thence westerly and parallel to the existing tracks to the vicinity of Haley Street, located within the city of Bakersfield about one mile westerly of Mt. Vernon Avenue. It appears that these tracks would be used to make up trains of

one hundred cars or less and that when installed, about 40% of the switching movements over Haley Street would be eliminated and switching movements over Mt. Vernon Avenue would be increased by about the same amount. If the tracks were built without crossing Mt. Vernon Avenue they would not be long enough to accommodate one hundred car trains. West bound freight trains are made up in a maximum of one hundred car units and it is for the purpose of making up these west bound trains that the proposed tracks are being constructed.

Mt. Vernon Avenue is a north and south street connecting Virginia Colony, south of the railroad and east of the city limits of Bakersfield, with the sub-divisions north of the railroad tracks and east of the city limits of Bakersfield. About 75 school children from the Virginia Colony use the crossing in going to and coming from the Williams school which is located north of the tracks at the intersection of Virginia and Niles Streets, this being the most accessible school for these children to attend.

The County now has under construction a general hospital located at the intersection of Flower and Orange Streets. When completed the hospital will have a general hospital unit, a detention home, an old people's home and a tubercular hospital. People from a portion of Bakersfield, Virginia Colony, the Arden and Weed Patch district will use Mt. Vernon Avenue crossing to get to this hospital. Many residents north of the railroad tracks use this crossing in going to the business district of Bakersfield.

Applicant submitted a traffic check taken at the crossing on September 4, 1923 between the hours of 6 A. M. and 6 P. M. which showed that 197 autos, 37 trucks, 29 pedestrians and 22 miscellaneous vehicles, or a total of 285 movements

passed along Mt. Vernon Avenue and over the tracks, and that during the same period 6 passenger trains, 19 freight trains, and 6 switching movements passed over the crossing. Complainants submitted a traffic check taken at the crossing on September 6, 1923 between the hours of 5 A. M. and 11 P. M. which showed that 235 autos crossed over the tracks at Mt. Vernon Avenue.

North of and adjacent to the railroad right of way is located the East Side Canal, a canal about 30 ft. wide and 3½ ft. deep, and south of and adjacent to the railroad right of way is located a paved county highway extending easterly from Bakersfield to Magunden and Mojave.

There is no question but that the cost of a subway would be quite large due to the existence of the canal and highway adjacent to the crossing, that the volume of traffic over the crossing at the present time does not justify a large expense for constructing the subway under the tracks. The Board of Supervisors of Kern County issued its minute order on September 17, 1923 in response to a letter written by the Commission, dated September 11, 1923, signifying that there were no funds available at the present time in the Third Supervisory District, or in the County, that can be applied toward the separation of grades at the Mt. Vernon Avenue crossing.

The following form of order is submitted:

ORDER

A public hearing having been held on both of the above entitled proceedings, the Commission being apprised of the facts, the matters being under submission and ready for decision,

IT IS HEREBY ORDERED that the proceeding instituted for reopening proceeding in Application 9139 be and it is hereby dismissed and that the Commission's Decision No. 12338 dated

