

Decision No. 14238.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of )  
the BOARD OF TRUSTEES OF THE CITY OF )  
TAFT, Kern County, California, for an ) Application No. 10102.  
order authorizing a right of way over )  
and across the right of way of the )  
Sunset Railway Company in Taft, Calif. )

Chas. Del Bondio, Attorney for applicant.  
L. W. Butterfield, for Sunset Railway Company.  
R. B. Lambert, for Union Lumber Company and  
Oil Well Supply Company of Taft.

BY THE COMMISSION:

O P I N I O N

In this application, the City of Taft seeks permission to construct Second Street at grade across tracks of Sunset Railway Company.

A public hearing was held in this matter before Examiner Satterwhite at Taft August 22, 1924. It was stipulated by the interested parties that the record in Application No. 5647, in so far as relevant, be considered in evidence in this proceeding. In that application, filed with the Commission by the Board of Trustees of the City of Taft April 30, 1920, the city sought permission to construct Fourth Street at grade across Sunset Railway Company's tracks, and the Commission's decision thereon (No. 7911) granted the City of Taft authority to construct Fourth Street at grade across the railroad contingent upon the closing of the then existing crossing at Second Street. After Fourth Street was opened the Second Street crossing was closed and the city now desires to

have it re-opened to serve certain industries which were inconvenienced by its closing.

Sunset Railway Company's tracks run through the City of Taft in an easterly and westerly direction. Within the City limits there are at present two public grade crossings over this railroad within a distance of approximately 900 feet, namely, at 6th and 4th Streets. The business center of the City is in the vicinity of the intersection of 4th and Center Streets on the north side of the railroad. These two highways are the principal paved streets of the city. There is, however, quite an industrial section on either side of the railroad through this city, and approximately one half of the residents live on the south side of the track.

The evidence shows that there is a so-called "Gentlemen's Agreement" in the City of Taft to the effect that heavy trucks will not use the paved grade crossing at 4th Street, which necessitates their using the 6th Street crossing. This agreement was promulgated by interested parties of the city to protect the paving and to relieve the congestion at the Fourth Street crossing.

Sunset Railway Company appeared to oppose the granting of this application. They contend that the public necessity for the Second Street crossing is not great and that it will seriously interfere with the operation of their railroad as well as constitute a hazardous grade crossing. It was shown that the proposed crossing will involve passing over the main line and three side tracks. These tracks are on a 1.62 per cent. grade which necessitates careful operation to prevent cars detached from an engine from moving by force of gravity. This grade adds materially to the labor and hazard of cutting trains at the crossing as the detached cars must

be held by brakes. On such heavy grades accidents occasionally occur due to the fact that the connecting mechanism may not function properly when the train is being coupled, thus causing the cars to start by the impact and to separate from the remainder of the train. The evidence shows that the view at the crossing is seriously impaired by buildings and by standing cars. There are two regular passenger and two regular freight train movements normally operated over this railroad per day in addition to a great many switching movements performed by a switching crew that operates in the Taft yards and vicinity.

The evidence shows that at this time the public necessity for crossings over this railroad at Taft is but little different than it was at the time the Commission rendered its decision in Application No. 5647. In that decision it was considered that public interest would be best served by opening a public crossing at Fourth Street and closing the then existing one at Second Street, as Fourth Street was found to be of much more importance than Second Street in that it not only runs through the business center of the town but also connects with the main highways entering Taft, whereas Second Street is a rather short unimportant street.

It appears that the so-called "Gentlemen's Agreement," by which heavy trucks refrain from using the paved crossings at Fourth Street, is working a hardship on the greater portion of this class of vehicular traffic, in that it is required to travel considerable additional distance to use the existing grade crossing at Sixth Street. If, however, this agreement were not in effect, it is evident that the Fourth Street crossing would serve a convenient location for the major part of the vehicular traffic now passing over the railroad. With due consideration of this local, mutual agreement,

the Commission cannot lose sight of the fact that it is charged with the duty of granting permission to construct grade crossings only when public convenience and necessity require them. While we realize that heavy trucks using the paved crossing at Fourth Street will increase the expense of maintaining the same, we do not deem that a sufficient reason to justify the increased hazard which would be created by the opening of an additional crossing at Second Street. From the evidence before it the Commission finds that the public convenience and necessity does not require the construction of a grade crossing at the point requested.

O R D E R

After a hearing duly held upon the above entitled application, and the matter standing submitted, for the reasons set forth in the foregoing Opinion,

IT IS HEREBY ORDERED that the above entitled application be and the same is hereby denied.

Dated at San Francisco, California, this 3<sup>rd</sup> day of November, 1924.

C. A. Seamy

H. B. Brundage

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J. T. Whittier  
Commissioners.