

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the BOARD OF SUPERVISORS OF THE COUNTY)
OF KERN for an order authorizing the)
said county of Kern to construct a) Application No. 10821.
county road over and upon the right-of-)
way of The Atchison, Topeka & Santa Fe)
Railway Company at Maroc, In Sec. 31,)
T. 10 N., R. 9 W., S.B.B. & M.)

J. I. Waggy, Chairman Board of Supervisors,
Kern County, for applicant;
M. W. Reed for Atchison, Topeka & Santa Fe
Railway Company.

BY THE COMMISSION:

O P I N I O N

In the above entitled proceeding the Board of Supervisors of Kern County seek permission to construct an unnamed County road at grade across The Atchison, Topeka and Santa Fe Railway Company's tracks adjacent to their depot and freight house at Maroc, Kern County, California.

A public hearing was held in this matter before Examiner Austin at Mojave, March 20, 1925. At the hearing it was stipulated by the interested parties that the application be modified to request authority to construct a public crossing over the railroad at the location set forth in the application, or at some other location in this vicinity to be selected by the Commission.

Maroc, a trading center on the Mohave desert, is situated between Barstow and Mojave on the main line of The Atchison, Topeka and Santa Fe Railway Company about twenty miles southeast of the town of Mojave. This trading center consists of a combined general merchandise store and postoffice, a public school, and the Santa Fe Railway station. The store and depot are located on the north

side of the railroad, the former being about 500 feet from the tracks and directly opposite the proposed crossing. The public school is on the south side of the railroad and about one-half mile to the southwest of the depot. About forty-five families trade at Muroc, and the greater portion of these are engaged in ranching or are prospecting for oils or minerals throughout the surrounding country. About twenty children attend the public school.

The original application requested authority to construct a county road across the railroad station grounds, about 100 feet west of the depot. At this location the crossing would be over three tracks; the main line, a passing track, and a spur track. The view of the tracks from the proposed road at this point would be impaired by buildings and trees on both sides of the tracks, as well as by cars or trains if standing on the passing track or side track adjacent to the crossing. There is at present a crossing with practically an unobstructed view over the single track railroad main line at engineer's station 41601+88.5 about 1500 feet southwest of the one proposed near the depot. Although this existing crossing has been used by the general public for many years, the railroad has never given the County an easement for a right of way across their property, and the County Board of Supervisors contend that until such an easement is granted for the crossing, they should not spend public funds on improving or maintaining it.

The Santa Fe operates normally four regular passenger trains over this line daily, most of which travel at high rates of speed in the vicinity of Muroc. The freight service on this line varies throughout the year from four to eighteen movements per day. Many of the freight trains stop at Muroc to take water or to pass other trains.

The proposed crossing near the depot, if constructed,

would afford a convenient passage over the railroad to and from the general merchandise store and also for certain freight deliveries from the spur track, which is on the south side of the main line, destined for points to the northeast of Marroc. The amount of traffic involved is, however, comparatively small. Applicant introduced testimony to the effect that the existing crossing is sometimes blocked by eastbound trains taking water from the tank located about 400 feet east of the crossing, but it appears that most of the trains are cut at this crossing whenever there is any vehicular traffic desiring to cross the track. From its location, it is evident that the proposed crossing near the depot would be blocked by trains a great deal oftener than the present crossing is, as the former would be interfered with by all trains that stopped at Marroc and would require the cutting of all long trains that took siding at this point.

After due consideration of the evidence presented in this case, it appears that the proper place for a public crossing over the railroad is at the location of the present crossing, which under the existing conditions affords reasonable access across the railroad, with an unobstructed view, and does not seriously interfere with railroad operations. The public convenience that would be derived from the construction of a crossing near the depot does not appear to justify the public hazard and inconvenience to the railroad that would be incident to the construction of such a crossing.

It may be that the County of Kern has all the rights necessary for the maintenance of the existing crossing located 1700 feet southwest of the depot at Marroc, but since the testimony in this proceeding shows that public convenience and necessity justify the maintenance of this crossing as the most feasible and practical outlet for the territory served, it appears desirable that it should

be authorized as a public crossing and it will be so ordered.

O R D E R

The Board of Supervisors of Kern County having made application for permission to construct a county road to be located adjacent to the depot at Muroc, or at some other location in that vicinity to be selected by the Commission, at grade across The Atchison, Topeka and Santa Fe Railway Company's tracks in the town of Muroc, Kern County, 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 FOUND AS A FACT that the most practical and feasible location for a public crossing over The Atchison, Topeka and Santa Fe Railway Company's tracks, in the vicinity of Muroc, is at the location of the existing crossing, at or near Engineer's Station 41601+88.5 on the railroad survey and about 1700 feet southeast of the depot at Muroc; therefore,

IT IS HEREBY ORDERED that permission and authority be and they are hereby granted to the Board of Supervisors of Kern County, State of California, to construct a county road at grade across The Atchison, Topeka and Santa Fe Railway Company's track at Engineer's Station 41601+88.5 on the railroad survey, about 1700 feet southeast of the depot at Muroc, Kern County, as shown on maps filed in this proceeding, said crossing to be constructed subject to the following conditions:

- (1) The entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to lines two
- (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two
- (2) feet outside of the outside rails shall be borne by The Atchison,

Topeka and Santa Fe Railway Company.

(2) The crossing shall be constructed of a width not less than twenty (20) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) percent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing 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.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 25th day of April, 1925.

Charles D. Squire
George D. Squire
George D. Squire
George D. Squire
Commissioners.