

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
The City of Bakersfield, a municipal )  
corporation, for permission to con- )  
struct a crossing of a public street )  
over and across the Asphalto Branch )  
of the Southern Pacific Railroad )  
Company and Southern Pacific Company )  
and Atchison, Topeka and Santa Fe )  
Railway Company, at its intersection )  
with California Avenue. )

Application No. 10686.

In the Matter of the Application of )  
the Board of Supervisors of the )  
County of Kern, for permission to )  
construct a crossing of a public )  
street over and across the Asphalto )  
Branch of the Southern Pacific Rail- )  
road Company and Southern Pacific )  
Company, and Atchison, Topeka and )  
Santa Fe Railway Company, at its )  
intersection with California Avenue. )

Application No. 11102.

- E. F. Brittan, Assistant City Attorney for the City of Bakersfield.
- W. A. McGinn, District Attorney for the County of Kern.
- E. W. Hobbs for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In these two applications the City of Bakersfield and the County of Kern seek permission to construct California Avenue at grade across the tracks of the Asphalto Branch of the Southern Pacific Company. These two applications ask for only one crossing which is subdivided by the boundary line between the two political subdivisions. At the hearing held before Examiner Austin at Bakersfield on June 9, 1925, it was stipulated by the interested parties that these two proceedings be consolidated for hearing, admission of evidence and decision.

The testimony shows that California Avenue is the most

southerly of the three important wide east and west streets running through the City of Bakersfield, the other two being Truxton Avenue and Nineteenth Street. It is paved with a 24 foot strip of hard pavement from "D" Street to Baker Street. West of "D" Street it is paved with macadam and east of Baker Street to the proposed crossing, it is unpaved and is in part only recently graded; in fact, east of Baker Street, tentative grades only have been established.

From Oak Street to Baker Street, California Avenue lies entirely in the city limits of Bakersfield; from Baker Street to Washington Avenue, which intersects California Avenue at right angles some six hundred feet east of the proposed crossing, the north half of California Avenue is within the city limits; the south half being in the unincorporated portion of Kern County. East of Washington Avenue, California Avenue is entirely under the jurisdiction of the Supervisors of Kern County. In a similar manner, the easterly city limit line of Bakersfield bisects Washington Avenue longitudinally north of California Street. South of California Avenue Washington Avenue lies entirely outside the city limits. That portion of California Street from Washington Avenue on the east to the Asphalt Branch on the west has not been dedicated to public use and is not open to travel. It is dedicated and open to travel East of Washington Avenue to the crossing of the East Side Canal, and is not open to travel from the canal crossing east to the highway, a distance of about eight hundred feet. If the proposed crossing were opened, California Avenue could be constructed east of the crossing and it would then connect Bakersfield with the Tehachapi Highway by a direct route, but in order to get the full benefit of this route, it is necessary that California Avenue be paved its full length.

Truxton Avenue is parallel with and five blocks north of California Avenue. It enters the Tehachapi Highway, which is adjacent and parallel to the south right of way line of the Southern Pacific main line to Los Angeles, between the two legs of the Wye connecting the Southern Pacific main line to its Asphalt Branch. In addition to these two crossings, Truxton Avenue crosses the main line of the Santa Fe in a common intersection with Eureka Street. This crossing is at an angle of 25 degrees and two switches, one for a passing track and the other for a spur track, take off the main line near the center of this common intersection. This crossing, although protected by an automatic flagman, presents more than the usual hazard on account of the acute angle of intersection between the streets and the railroad. The Truxton Avenue route is inferior to the California Avenue route, as the latter can make use of the proposed Union Avenue subway when the latter is constructed, and will then have but the one grade crossing as compared to three crossings on the other route.

Nineteenth Street, the third important wide east and west street in Bakersfield, runs east as far as Union Avenue where it continues under the name of Park Street for two blocks and turns into Grove Street. Nineteenth Street is the principal east and west business street of Bakersfield, and is the route of the street cars between Bakersfield and East Bakersfield (formerly Kern City). The street cars line terminates at the Southern Pacific station near the corner of Baker Street and Sumner Street about two blocks north of Grove Street and six blocks east of Union Avenue. The intersection of Sumner Street and Baker Street is the principal business corner of East Bakersfield and is adjacent to the Baker Street crossing at the Southern Pacific yards and station. Sumner Street runs along

the southerly side of the Southern Pacific yards and enters East Truxton Avenue a short distance west of the Wyo track of the Southern Pacific Asphalt Branch. The route via Sumner, Baker, Grove and Nineteenth Streets is the one followed by the greater portion of the travel in and out of Bakersfield via the Tehachapi Highway; probably for the reason that this is the only route at present fully paved. It is not as convenient a route for Bakersfield proper as Truxton Avenue or California Avenue would be, if either of the latter were completely paved for their full length, as it is more round about. It was testified that traffic was often held up on this route at Baker Street on account of the stopping of the flow and the piling up of Baker Street traffic crossing the Southern Pacific yards. The Sumner Street route, like the Truxton Avenue route, crosses both legs of the Asphalt Branch and the Santa Fe. There are, however, four Santa Fe tracks across Sumner Street compared to two on Truxton Avenue. It was testified that the crossing of the Asphalt Branch with Truxton Avenue, which is the same crossing used by Sumner Street traffic, is blocked at times by long drags of oil cars from the oil fields entering the yard. As the California Avenue crossing, as proposed, will be about 1700 feet away from the Truxton Avenue crossing, trains of 40 cars or less when entering the Bakersfield yard will not block California Avenue.

The City Engineer testified that California Avenue could be traveled if the proposed crossing were opened, even if that portion of the Avenue east of Washington Avenue remained unimproved as traffic could turn north on Washington Avenue to the intersection of Truxton Avenue and the Tehachapi Highway. This route, however, would require a 90-degree turn, one 107-degree

turn and two crossings of the easterly Wye track of the Asphalt Branch while negotiating the latter turn, all of which are very objectionable from a traffic standpoint. These objectionable features would eliminate the superiority of the California Avenue route over the two already in use.

If California Avenue be not improved east of Washington Street, the proposed crossing would be of little use to residents of the north halves of Sections 33 and 34 which lie on the south side of the Avenue, as such residents now have an outlet west across the railroad on County Road No. 252 (Lawson St. or Potomac Avenue) and two outlets north to the highway via Washington Avenue and Mt. Vernon Avenue. It would, however, offer some convenience to children in these two sections who attend the Lincoln School, which is located on Dolores Street, half way between California and Truxton Avenues. The testimony shows, however, that the City of Bakersfield proposes to pave California Avenue as far east as Washington Avenue and the County of Kern, through its Supervisor, testified that it intends to open and pave California Avenue east of Washington Avenue within a reasonable time, provided these applications be granted.

The proposed crossing will be across four tracks; from east to west they are in order: the rubbish spur, the main track, storage spur and a privately owned siding. The main track and storage track are seven or eight feet higher than the surrounding land and dump track and about three feet higher than the private siding. Grades of approach can be installed on four per cent grades but they will require good sized fills on each side of the tracks. The private siding is on a twenty-five foot strip of land parallel and adjacent to the railroad right-of-way line. South of California Avenue it passes across a thirty foot trestle over an irrigating ditch

which parallels the Avenue. At one time the rails of the storage spur extended completely across California Avenue, but now they project about half way across the Avenue due to trainmen running over the spur and dumping cars into the canal. There are four regular main line movements over this crossing daily.

In order to construct a satisfactory crossing, it will be necessary to raise all four of the tracks to the same elevation. This will require the raising of the two outside tracks for several hundred feet on each side of the crossing. Southern Pacific Company has been gradually raising all of these tracks with rubbish and would in time probably have them completely raised across the Avenue. Under the circumstances, it seems reasonable to assess this portion of the cost of constructing the crossing to the railroad company. Cars will be stored on both sides of the crossing, and witness for Southern Pacific Company testified that an automatic flagman would, therefore, be desirable for the protection of the public in case the application is granted and the crossing constructed.

The Southern Pacific Company submitted an estimate of the cost of the proposed crossing, exclusive of the earth approaches and the paving thereon. This estimate was the only one introduced at the hearing and no objection was made to the estimate by either of the applicants. The estimate is as follows:

Rehabilitate 4 tracks and plank crossing 30 feet wide,	\$1,200.
Paving between tracks,	600.
Raise trestle on private track,	1,000.
Raise tracks to common level,	750.
Automatic flagman installed,	700.
	<u>\$4,250.</u>

After giving careful consideration to all of the testimony, it appears that it will be in the public interest to open California

Avenue at grade across the Asphalt Branch of the Southern Pacific Company, providing the Avenue is opened to travel by the applicants from the Asphalt Branch east to the Tehachapi Highway and paved from Baker Street east to the Tehachapi Highway, so that this extension may become part of a direct route from the highway into Bakersfield. Without this extension and paving the California Avenue route would be little or no better than existing routes. The application should be granted subject to the applicants opening and paving the extension within a reasonable period. If this improvement is not carried out the authority should lapse.

O R D E R

The City of Bakersfield and the County of Kern having filed applications for permission to construct California Avenue at grade across the tracks of the Asphalt Branch of the Southern Pacific Company, 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 public convenience and necessity require the establishment of a public crossing at grade at the point above indicated, if and when California Avenue is opened to public travel and paved from Baker Street east to the Tehachapi Highway and not otherwise; therefore,

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the City of Bakersfield and to the Board of Supervisors of the County of Kern, State of California, to construct California Avenue at grade across the tracks of the Asphalt Branch of the Southern Pacific Company as follows:

Beginning at a point in the northerly line of California Avenue where the same is intersected by the westerly right of way line of the Asphalt

Branch of the Southern Pacific Railroad and running thence southwesterly along said right of way line to the southerly line of California Avenue; thence easterly along the southerly line of California Avenue to its intersection with the easterly right of way line of said Asphalt Branch of the Southern Pacific Railroad; thence northeasterly along said easterly right of way line to the northerly line of California Avenue; thence westerly along the northerly line of California Avenue to the said westerly right of way line of said Asphalt Branch of the Southern Pacific Railroad and the point of beginning.

and as shown by the map and profile marked I -  $\frac{2}{A}$  - 69 and I -  $\frac{2}{A}$  - 70 and attached to the application, said crossings to be constructed subject to the following conditions, namely:

(1) The authority herein granted shall be effective only upon the paving of California Avenue with a roadway not less than twenty-four (24) feet in width from Baker Street east to the Tehachapi Highway.

(2) The entire expense of constructing the crossing, exclusive of raising the railroad tracks to an even elevation with the branch line main track, shall be borne equally by the applicants. The cost of raising the railroad yard and industry tracks to an even elevation with the branch line main track shall be borne by Southern Pacific Company. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne equally by the applicants. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.

(3) An automatic flagman shall be installed for the protection of said crossing at the sole expense of applicants, said automatic flagman to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said flagman shall be borne by Southern Pacific Company.

(4) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of Seventy-three (73) degrees to the railroad and with grades of approach not greater than four (4) per cent; 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.

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

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

(7) 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 18th day of July, 1925.

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*C. Seaver*  
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*George D. Squires*  
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*Ernest J. ...*  
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Commissioners.