

Decision No. 21705.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the Board of Supervisors of Kern County for an Order authorizing the construction of a crossing by the County of Kern over the tracks of the Atchison, Topeka and Santa Fe Railroad at a point on the section line of Section 13, T. 27 S., R. 24 E., M.D.M., and the right of way of the Atchison, Topeka & Santa Fe Railroad.

ORIGINAL

Application No. 15844.

W. A. McGinn, Deputy District Attorney,
for Applicant.

H. K. Lockwood, for The Atchison, Topeka and
Santa Fe Railway Company, Protestant.

BY THE COMMISSION:

O P I N I O N

The Board of Supervisors of Kern County has made application to the Railroad Commission for authority to construct a grade crossing over the tracks of the main line of The Atchison, Topeka and Santa Fe Railway Company at a point one mile south of the Town of Wasco.

A public hearing herein was conducted by Examiner Williams at Bakersfield on October 4th, 1929, the matter was duly submitted and is now ready for decision.

The crossing proposed is to be substituted for a private road crossing now in use and protected by iron gates and is also approximately one mile north of the County Highway crossing at Palmo. The approaches to the crossing are unobstructed, except at the southwest corner, where trees and a ranch house are within about one hundred (100) feet of the track. The present grades of approach to the private crossing are in excess of ten per cent, and

the approaches and the crossing itself are not paved and are in rather poor condition. Near the crossing is a distribution plant of the Shell Oil Company.

According to the testimony of W. R. Woollom, Supervisor of the district in which the crossing is located, the crossing is regarded by him as necessary for local convenience and also for the crossing of trucks going to and from the Shell Oil distributing station. Mr. Woollom testified that funds are available for constructing the crossing should the application be granted.

C. R. Wedel, a rancher living near the crossing, testified that although the crossing is protected by gates, they are open practically all the time and travel is unobstructed across the tracks. He also testified that the crossing is so poor that loads of cotton and alfalfa cannot safely cross it and, being unprotected by cattle guards, is a constant menace to livestock. He admitted that if the crossing were open and were used by himself and several other neighbors on both sides of the track, the Santa Fe track would have to be crossed again before entering Wasco.

Supervisor J. O. Hart also testified that he believed the crossing a necessity.

William C. Bremer, of Delano, Manager of the Shell Oil Company plant, testified that the crossing might be useful in having access to the plant or in making shipments to the various ranches. He declined, however, to pass upon the question of public necessity.

The testimony in this proceeding indicates that the proposed crossing would benefit only a few ranchers living on both sides of the railroad, in that it would shorten the distance of travel between their ranches and the Town of Wasco, as compared to the existing route along a county road parallel to and one-half mile to the west of the track. It appears that the convenience

to be served would be so slight, in view of the usual destination of those living in the neighborhood, that it does not justify the hazard which would be incident to the construction of this crossing.

The private crossing appears to be objectionable now, not because it is a private crossing, but because it has not been maintained, and also because those using it are careless about closing the protecting gates. Other than the few ranchers referred to above, there is no evidence showing that public convenience and necessity generally require this crossing and, at best, it would serve but a very limited local convenience.

It is our opinion, therefore, that the application should be denied.

O R D E R

The Board of Supervisors of Kern County having made application to the Railroad Commission for authority to construct a grade crossing over the tracks of the main line of The Atchison, Topeka and Santa Fe Railway Company at a point approximately one mile south of Wasco; a public hearing having been held, the matter having been duly submitted and now being ready for decision,

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

Dated at San Francisco, California, this 24th day of October, 1929.

Frank D. Lewis

Al Deaney

Leon Overhiser

W. J. Carr

Commissioners.