

ORIGINAL

Decision No. 25484.

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 Southern Pacific Railroad Company, at a point between Mile Post 311.89c and Mile Post 312.0c, Acquisition & Improvement District No. 3, Kern County, California.

Application No. 17763.

Frank B. Durkee, for Applicant.

W. A. McGinn, Deputy District Attorney, Kern County.

H. W. Hobbs, for Southern Pacific Company.

CARR, COMMISSIONER:

O P I N I O N

The County of Kern originally filed the above entitled proceeding and later the Department of Public Works of the State of California and the City of Bakersfield intervened, all joining in the application seeking an order authorizing the construction of a public highway at grade across Southern Pacific Company's team and drill tracks leading to its freight house in the City of Bakersfield.

A public hearing was conducted in this proceeding at Bakersfield, February 16, 1933.

The proposed crossing becomes necessary to effect a major highway improvement of a section of State Route No. 4 (U.S.99) in and in the vicinity of the City of Bakersfield. This new highway will afford through traffic a direct route free from grade crossings of the main line tracks and by-pass the

business center of the city. The proposed highway improvement extends over a distance of about four and one-half miles between the point of diversion from the existing State Highway Route No. 4, located some four miles to the northwest of the business center of Bakersfield, to a connection with Union Avenue. This new section is located parallel to and about 800 feet west of the Southern Pacific Company's main line track. It appears that the location of this new section of Route No. 4 has been determined after exhaustive studies by the Department of Public Works of the State of California, County of Kern and the City of Bakersfield and that the parties have entered into an agreement on the apportionment of cost covering the acquisition of a right of way 110 feet in width and paving of the roadway. The proposed grade crossing is located near the intersection of "R" and 24th Streets in the City of Bakersfield. Two tracks are involved which are used as team and drill tracks leading to Southern Pacific Company's freight house at Bakersfield. The operation over these tracks consists of some fifteen switch movements per day. These movements are operated at slow speeds and consist of only a few cars per train.

The record shows that it is not practical or reasonable to require a grade separation at this point. After carefully considering the record in this matter it is concluded that the application should be granted as the proposed highway will provide a facility to better handle the traffic, particularly along State Highway Route No. 4, which is the major through highway route reaching Bakersfield.

The City Engineer of Bakersfield testified that upon the opening of the proposed crossing there would appear to be little public need for the continuance of the grade crossing at James Street, located 400 feet to the north and involving the same tracks. The record shows the traffic over the James Street crossing is

about 100 vehicles per day. The order therefore will provide for the closing of this crossing upon the opening of the one proposed herein.

As for protection, it would seem that the proposed grade crossing should be provided with flood lights to illuminate train movements at night. Applicant shows that the Department of Public Works, County of Kern and the City of Bakersfield are in agreement as to division of cost of constructing this crossing and maintaining such flood light protection. This illumination, together with flagging protection for train movements, should provide for reasonably safe operation for traffic over this grade crossing.

Mention has been made of the closing of the grade crossing of 24th Street over the tracks involved herein and located about 300 feet to the south. It appears, however, that the closing of this crossing, which is part of a newly paved street, would result in some inconvenience to traffic on 24th Street, which amounts to about 2,000 vehicles per day and would require sharp turns to reach the new highway unless additional property is acquired. Therefore, the order will not direct the closing of the 24th Street grade crossing.

The following form of Order is recommended:

### O R D E R

A public hearing having been had and the matter having been submitted,

IT IS HEREBY ORDERED that applicants, the People of the State of California, on Relation of the Department of Public Works, Division of Highways, the County of Kern and the City of Bakersfield are hereby authorized to construct a public highway at grade across the freight house tracks of Southern Pacific Company in the City of Bakersfield, County of Kern, at the location

more particularly described in the application and as shown by the map (Exhibit "A") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. B-311.96-C.
- (2) The entire expense of constructing the crossing shall be borne by applicants. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by 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) The crossing shall be constructed of a width of not less than forty (40) feet and at an angle of approximately sixty-five (65) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72; shall be protected by two Standard No. 1 crossing signs, as specified in our General Order No. 75-A, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Applicants shall, at their sole expense, adequately flood light said crossing and its maintenance and operation thereafter shall be borne by the City of Bakersfield.
- (5) No train, motor, engine or car shall enter upon said crossing unless traffic on the highway is protected by a member of the train crew or other competent employee acting as flagman. After having entered upon the crossing, it shall be cleared as quickly as practicable.
- (6) Prior to the beginning of actual construction of the crossing herein authorized, applicants shall file with this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public crossing of James and 26th Streets over said freight house tracks and identified as Crossing No. B-311.89-C. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said Crossing No. B-311.89-C shall be legally abandoned and effectively closed to public use and travel.
- (7) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (8) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.

- (9) 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, public convenience and necessity demand such action.

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

The foregoing Opinion and Order is hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 27th  
day of February, 1933.

C. C. Seaver  
Leon A. Whaley  
W. J. Linn  
M. B. Linn  
W. H. Linn  
Commissioners.