

Decision No. 25687.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the people of the State of California, on relation of the Department of Public Works, for an order authorizing the construction of a crossing at separated grades of the State Highway and the Southern Pacific Railroad at Oil Junction, approximately five miles north of Bakersfield, Kern County, California.

ORIGINAL

Application No. 18420.

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

In the above entitled proceeding the Commission is asked to make its order authorizing the construction of a grade separation between State Highway Route No. 4 and Southern Pacific Company's main line track to the north of the City of Bakersfield, and to apportion the cost of this improvement between applicant and Southern Pacific Company.

A public hearing on the application was held at Bakersfield on February 15th and 16th, 1933.

The highway involved is State Highway Route No. 4 and in the Federal Bureau of Public Roads it is designated as U.S. 99. This highway extends from the Mexican Border to the Canadian Line and is considered one of the most important highway arteries in the western states. Traffic counts introduced at the hearing show that to the north of Bakersfield and in the vicinity of the proposed

separation, Route No. 4 carries in excess of 3,000 vehicles per day. The State Department of Public Works is spending considerable money on this highway to bring it up to a higher standard in the way of widening the roadbed and eliminating sharp turns, heavy grades and grade crossings.

This is the second application dealing with grade separations on this highway to be considered by the Commission within the past few months, the other separation referred to being located in the incorporated town of Goshen, Tulare County.

At the present time State Highway Route No. 4 runs parallel to and immediately east of Southern Pacific Company's main line track to the north of Bakersfield, crossing the two legs of the wye of the Oil City Branch (Crossings Nos. BAE-308.1 and BAE-308.6-C), immediately south of the proposed separation. At Beardsley School the highway departs from the track and runs due east to a junction with the main county road to Oil City. From the junction of these two roads, Route No. 4 runs south, connecting with Chester Avenue in the City of Bakersfield. The southbound through traffic on the state highway divides at 34th Street and Chester Avenue in the city, a portion of which continues south on Chester Avenue and crosses Southern Pacific Company's main line and two adjacent tracks near 33rd Street (Crossing No. B-311.2); the remainder, including all trucks, travels east on 34th Street to Union Avenue, thence south on Union Avenue, crossing Southern Pacific Company's main line and five adjacent tracks at a point about half a mile west of Bakersfield Station (Crossing No. B-312.2).

The railroad involved is Southern Pacific Company's main line between Los Angeles and both San Francisco and Sacramento, via San Joaquin Valley. The present normal daily train operation over this line to the north of Bakersfield consists of eight passenger

trains, five freight trains and three motor cars, with extra freight and passenger trains when business justifies. In the vicinity of the proposed separation Southern Pacific Company now maintains one main line track. Southern Pacific Company's Oil City Branch connects with the main line at a point immediately south of the proposed separation and extends east to Oil City, the normal train operation over this branch line being four freight trains per day.

The proposed overhead crossing is located at a point approximately five miles to the northwest of Southern Pacific Company's station at Bakersfield. This separation, which provides for a 34-foot driveway, is estimated to cost approximately \$90,000, and is part of a comprehensive plan, developed jointly by the Department of Public Works, the County of Kern and the City of Bakersfield, to construct a major improvement to Route No. 4 by building a five mile section of new highway to be located parallel to and a distance of approximately 800 feet to the west of Southern Pacific Company's main line, from a connection with Union Avenue northwest to the proposed separation. This new highway, which is one mile shorter than the present Route No. 4, will undoubtedly attract nearly all through traffic as well as accommodating local traffic between the business section of Bakersfield and the various intersecting highways to the northwest. The record shows that this diversion of through traffic to the new highway will greatly reduce vehicular traffic over the Oil City wye track crossings (Nos. BAH-308.1 and BAH-308.6-C) , as well as reducing the traffic in excess of 30% on the grade crossings of Chester Avenue (No. B-311.2) and Union Avenue (No. B-312.2) over Southern Pacific Company's main line tracks.

It is alleged in the application that two existing county road grade crossings over Southern Pacific Company's main line

track should be closed upon the completion of the proposed separation. These grade crossings involve Norris Road (Crossing No. B-308.1) and Olive Drive (Crossing No. B-308.9). Present traffic on each of these roads was shown to be approximately 200 vehicles per day. This traffic, however, is above normal due to the nearby highway construction work now under way. At the hearing, however, the county indicated that after further consideration it had changed its plan with respect to closing Olive Drive crossing and now desired to withdraw its offer to close this crossing. The county is, however, agreeable to the closing of the grade crossing at Norris Road. The record shows that the closing of the Olive Street crossing would work a hardship on some of the ranchers in this section who use this crossing in transporting farm products and driving stock across the track.

It is concluded from the record in this proceeding that applicant should be authorized to construct the proposed separation as it is part of a major highway improvement plan to better serve traffic needs in and in the vicinity of the City of Bakersfield and is the product of a comprehensive study which has been participated in by three public bodies. There remains for determination the question of apportionment of cost of the separation between applicant and the railroad.

While it is true that the proposed separation does not permit of the closing of any important highway grade crossings, the record shows that the railroad will be benefited to the extent of being relieved of maintaining the grade crossing over its tracks at Norris Road, and will also participate in benefits resulting from a decreased volume of vehicular traffic over the grade crossing of the main line tracks at both Chester Avenue and Union Avenue, which should carry with it a corresponding decrease in the number of grade crossing accidents.

The accident record at the Chester Avenue crossing shows that during the past seven years there have been eight grade crossing accidents resulting in the death of three persons and injury to seven others. At the Union Avenue crossing, during the same period of time, there have been five accidents resulting in injury to three persons with no fatalities, and in addition three other non-train accidents. It is reasonable to assume that the railroad should participate with the public in effecting improvements to eliminate grade crossing accidents.

The railroad urged that any apportionment to it for the proposed separation should take into consideration operating losses which it will sustain as a result of the construction of the proposed grade crossing of the new section of Route No. 4 over the company's team and drill tracks leading to its freight house in Bakersfield, as applied for in Application No. 17763. This proposed grade crossing is located near the intersection of 24th and "R" Streets in the City of Bakersfield and about one mile north of Southern Pacific Company's station. It was shown that through the construction of this grade crossing, operating costs will be increased as a result of added switching movements due to the company being deprived of the exclusive use of the trackage which will be within the limits of the new street. Although this proposed grade crossing is a part of the change in Route No. 4, as is the grade separation involved herein, the grade crossing is located four miles to the southeast of the separation and I cannot subscribe to the theory that added operating costs incident to the construction of the grade crossing should reflect in the apportionment of cost of the grade separation involved herein. The grade crossing application will be considered on its merits independently of this application.

Consideration of the record in this proceeding justifies

the conclusion that Southern Pacific Company should contribute the sum of \$12,000 toward the cost of effecting the separation proposed herein, the remainder of the expense to be borne by applicant.

The following form of order is recommended.

O R D E R

A public hearing having been had in this proceeding and the matter being under submission and now ready for decision,

IT IS HEREBY ORDERED that the People of the State of California on relation of the Department of Public Works, Division of Highways, are hereby authorized to construct State Highway Route No. 4 (U.S.99), at separated grades over the main line track of Southern Pacific Company at a point approximately five miles to the northwest of the company's station at Bakersfield, County of Kern, State of California, at the location more particularly shown by the map (Exhibit No. 26), filed in this proceeding, subject to the following conditions and not otherwise:

- (1) The above grade separation shall be identified as Crossing No. B-308.0-1.
- (2) Southern Pacific Company shall contribute Twelve Thousand Dollars (\$12,000.) toward the cost of construction of said separation. The entire remaining cost of construction shall be borne by applicant.
- (3) Applicant shall file within one hundred and twenty (120) days copy or copies of agreement or agreements with Southern Pacific Company covering the terms of construction and maintenance of said grade separation.
- (4) Applicant shall file, for approval, within one hundred and twenty (120) days from the date hereof and prior to the commencement of construction, a set of plans for said grade separation, which plans shall have been approved by Southern Pacific Company.

- (5) Said grade separation shall be constructed with clearances conforming to the provisions of this Commission's General Order No. 26-C.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said grade separation and of its compliance with the conditions hereof.
- (7) 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.

IT IS HEREBY FURTHER ORDERED that prior to the beginning of actual construction of said crossings hereinbefore authorized, applicant shall file with this Commission certified copy of an appropriate ordinance or resolution duly and regularly passed by the Board of Supervisors of Kern County, instituting the necessary steps to legally abandon and effectively close the existing grade crossing of Norris Road over Southern Pacific Company's tracks (Crossing No. B-308.1).

Upon the completion of the separation herein authorized and coincident with its being opened to public use and travel, said crossing at Norris Road (No. B-308.1) shall be legally abandoned and effectively closed to public use and travel.

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.

The effective date of this order shall be twenty (20) days from the date hereof.

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

Ch. Leasing
Leon Whisely
M. H. Linn
W. B. Lewis
D. L. Brown