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Decision No. 7911

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application  
of the Board of Trustees of the  
City of Taft, Kern County, Cali-  
fornia, for an order authorizing  
a right of way over and across  
the right of way of the Sunset  
Railroad Company at Taft, California. )  
Application No. 5647.

Charles Del Bondio for City of Taft.  
Edson Abel for Jameson Townsite Company.  
Frank B. Austin and F. M. Worthington for  
Sunset Railroad Company.

BY THE COMMISSION:

O P I N I O N

This is an application by the City of Taft  
for an order authorizing the opening of Fourth Street in  
said City, across the right of way and tracks of the Sunset  
Railroad Company.

A public hearing upon the application was  
held at Bakersfield by Examiner Westover.

The City of Taft, which has a population of  
about 5000 is almost equally divided by the Sunset Railroad  
into two sections: North and South Taft. When the town was  
first located, the section south of the Railroad was subdivided  
by Mr. Jameson who leases the surface rights for building  
purposes. Later on, a tract was subdivided on the north side

of the tracks without any building or other restrictions, and the business population of Taft moved to the north side of the tracks where the major portion of the town is now located. There is still, however, a large residence section south of the tracks, and it would appear that about half of the residents live on this side of the track.

The center of the business district is now at Fourth and Center Streets; on the north side of the town. The principal streets in North Taft are: Main Street, facing the railroad, Center and North Streets, parallel to Main, and Fourth Street from Main to North. The City is now paving Fourth Street and intends to pave Main and North Streets from Second to Sixth Streets. In case the Fourth Street crossing is opened it is intended to connect Fourth Street with the Bakersfield Highway, thus giving a direct route to both sections of the town. Center and Sixth Streets have been paved for sometime. Sixth Street, to the north, is the outlet to the county highway toward Bakersfield. The new high school is located on this street, several blocks north of Main Street. The postoffice and library are located on Center Street near Fourth, but the postoffice is soon to be moved, under a ten year lease, to the Fox Hotel on the corner of Fourth and Main Streets. The fire house is located on Fourth Street near Kern, about  $2\frac{3}{4}$  blocks from the crossing. One of the grammar schools of the town is on Second Street, several blocks north of the railroad. This school does not include the sixth, seventh and eighth grades, and the pupils in these grades must attend school on the south side of town.

The main streets on the south side of town are: Wood Street and Asher Avenue. Formerly these streets

were used in traveling from Taft to Maricopa, but a short cut from the Maricopa highway to Center Street in North Taft has been installed and takes most of this travel. There are two schools and a kindergarten on this side of town.

Communication between the two sides of town is obtained by grade crossings over the railroad at Second and Sixth Streets, and by a foot path at Fourth Street. The location of the two vehicular crossings makes travel from one part of Taft to the other rather inconvenient and roundabout. Fourth Street runs directly through the heart of both sections. The Second Street crossing is of very little use, as Second Street is blocked by a wash, a few blocks south of the tracks, making it impassable to vehicles. It extends north to the city dump. There is practically no traffic to be served east of Second Street to the north of Main Street.

The Railroad Company objects to the opening of Fourth Street as it believes that the City is amply served by the existing crossings and the pedestrian crossing at Fourth Street. It also points out that the view at the Fourth Street crossing will be badly obstructed by buildings and cars; that the crossing is over five tracks in the main yard, and two industrial spurs; and further, that hand-brakes would have to be set on all standing cars when trains are cut, on account of the heavy grade in the yard.

Generally the Commission is opposed to the opening of grade crossings through railroad yards, but in this case, we have a town of some five thousand (5000) people cut in two, and with the existing crossings rather inconveniently located; in fact the Second Street crossing is of very little use as appears above. The railroad company's objections to the

Fourth Street crossing apply equally to the two existing ones. We believe that on account of their location in the yard layout more switching is done over them than will be done over Fourth Street. Considering also that the two existing crossings are not dedicated public crossings and that there are only one or two regular trains over this branch each way daily, we feel that the public convenience and necessity which will be served by the opening of the Fourth Street crossing will more than offset the inconvenience to the railroad company and the additional hazard created. We believe, however, that when this crossing is opened the Second Street crossing should be closed. The application should be granted with that provision.

#### O R D E R

City of Taft having filed with the Commission an application for authority to open Fourth Street at grade across the right of way and tracks of Sunset Railroad Company, as shown on the map attached to the application, a public hearing having been held and it appearing to the Commission that the application should be granted, subject to conditions hereinafter stated,

IT IS HEREBY ORDERED that permission be and it is hereby granted the City of Taft to construct a highway crossing at grade across the right-of-way and tracks of the Sunset Railroad Company at Fourth Street in said City, as shown by the map attached to the application, said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing and moving such railroad switches, building, and other structures as may be necessary shall be borne by the applicant.

(2) The cost of maintenance up to two feet from the rails of the main track of the Sunset Railroad Company shall be borne by the applicant. The maintenance of that portion of the crossing between the rails and two feet outside thereof shall be borne by the Sunset Railroad Company.

(3) The crossing shall be constructed of a width of not less than sixty feet, with grades of approach not greater than four per cent; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(4) The crossing at Second Street shall be removed and closed to public travel.

(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.

Dated at San Francisco, California, this 26<sup>th</sup> day of July, 1920.

Edw. J. Egan  
H. J. Long  
Frank R. Smith  
Wm. J. Martin  
Commissioners.