

Decision No. 2268

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the BOARD OF SUPERVISORS of the COUNTY OF KERN for an order authorizing said county of Kern to construct a county road over and upon the right of way of the Southern Pacific Railroad and at a point 1438 feet east from the S.W. corner of Section 25, Township 25 S., Range 25 E., M.D.B. & M., Kern County, California.

Application No. 7321.

J. B. McFarland for Applicant.

L. B. Austin and E. T. Langdale
for Southern Pacific Company.

ORIGINAL

BY THE COMMISSION.

OPINION

A public hearing was held by Examiner Westover at Bakersfield upon the above application for authority to construct a crossing at grade over the main line tracks of the Southern Pacific Company at a point about two miles north of McFarland.

It appears from the testimony that the purpose of the application is to enable people living easterly from the railroad to reach the paved state highway, which parallels and adjoins the railroad right of way on its westerly side. There are at present crossings located one mile south and two miles north of the proposed crossing. A crossing at a point one mile north is authorized by the order contained in Decision No. 7667 of June 8, 1920, upon Application No. 5646, but it appears from the testimony that the families living east of the railroad, who would be served by the crossing authorized, have moved away, and there being no other need for the crossing it has not been constructed. The surround-

ing territory is undeveloped and but sparsely settled. No residents of the community appeared to testify concerning any need for the crossing now proposed.

Although it appears from the testimony that the road leading to the crossing extends for about 17 miles westerly, passing through Pond on the Santa Fe, about 5 miles west, and to a point about 1½ miles easterly from Jasmin, - which is about 5 miles east of the proposed crossing and on the Porterville branch of the Southern Pacific, - it does not appear that there is much travel on the road, as nearly all of the territory reached by it is very sparsely settled. It appears also from the testimony that the principal travel to or from Pond or Jasmin is between those points and points north or south. It does not appear that the present crossings and north and south roads are inadequate for the limited amount of direct travel between these two communities.

While the Southern Pacific Company offers no objection to installing this crossing, we are not satisfied that there is such a degree of public necessity and convenience to be served by it as would justify the hazard to safety involved in establishing an additional crossing at the point referred to.

O R D E R

A public hearing having been held upon the above entitled application, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public necessity and convenience do not require the crossing at grade at the point described in the application; therefore,

IT IS HEREBY ORDERED that the above entitled application be and it is hereby denied.

Dated at San Francisco, California, this 4th day of January, 1922.

J. B. Gaudin
A. D. Lovelace
Charles A. Powell
W. H. Leland 318