

ORIGINAL

Decision No. 12335

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
 Board of Supervisors of the County of)
 Kern, State of California, for an order)
 authorizing the construction of a crossing)
 by the County of Kern over the tracks of) Application No. 29373
 The Atchison, Topeka & Santa Fe Railway)
 Company in the vicinity of Mile Post No.)
 911.)

Norbert Baumgarten, County Counsel of County of Kern,
 for applicant.
J. R. Thornton, County Surveyor, for applicant.
O. R. West, Division Engineer, for The Atchison, Topeka &
 Santa Fe Railway Company, interested party.

O P I N I O N

By this application the Board of Supervisors of the County of Kern seeks an order authorizing the construction by it of a crossing at grade over the tracks of The Atchison, Topeka & Santa Fe Railway Company in the vicinity of mile post 911.5 and Jackson Avenue near Wasco.

A public hearing was held at Bakersfield on December 15 1948, before Examiner R. K. Hunter.

The nearest crossings at grade are, one mile to the north, Pose Street (Crossing No. 2-912.5), and about seven tenths of a mile to the south, State Highway Route 139-C (Crossing No. 2-910.8).

At mile post 911.5 and for some distance north and south the Central Valley Highway, State Route 139-C, is parallel to and east of the Santa Fe tracks and right of way. At this point the highway is approximately 80 feet from the center of the tracks and

between the mainline and the highway is a siding 20 feet from the mainline. On the west side of the proposed crossing the grade would be light, probably not over 4 per cent, but on the east side the close proximity of the highway to the aforementioned siding would necessitate a very steep and hazardous grade, probably in excess of 10 per cent, unless the grade of the said State Highway were raised at this location. The County of Kern had not had any negotiations, up to the time of the hearing, with the State Highway Department. Four times daily the Santa Fe high-speed streamlined passenger trains pass this point as do many through freight trains.

The visibility from all angles would be unobstructed at the proposed crossing unless and until cars were placed on the siding between the mainline and the highway in which event serious impairment of the visibility would result.

Cotton gins and cotton growers are located on both sides of the proposed crossing which would unquestionably be a convenience to the latter. No evidence was introduced as to the number of persons who would be inconvenienced by the construction of the crossing, how frequently it would be used, nor the saving in traveling distance that would result. No public witnesses appeared at the hearing.

Review of the evidence submitted leads to the conclusion that if the crossing were constructed the public hazards created would far outweigh whatever public convenience might result, and therefore the application will be denied.

O R D E R

A public hearing having been held and, based upon the

evidence adduced and the conclusions and findings set forth in the opinion,

IT IS ORDERED that this application be and it is hereby denied.

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

Dated at San Francisco, California, this 28th day of December, 1948.

R. F. [Signature]
Justus J. [Signature]
[Signature]

COMMISSIONERS