

Decision No. 46540

**ORIGINAL**

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) Application No. 31815  
 by the County of Kern over the tracks of )  
 the Southern Pacific Railroad at a point )  
 approximately 419 feet west of Milo Post )  
 315, Kern County, California. )

Clayton T. Cochran, Assistant County Counsel, for applicant.  
R. S. Myers, for Southern Pacific Company, protestant.  
William R. Peters, Engineering Division, Public Utilities  
 Commission of the State of California.

O P I N I O N

The County of Kern seeks an order authorizing it to construct a crossing at grade over the tracks of the Southern Pacific Company at Barlow Street in said county in such manner as is particularly delineated on a map attached to the application.

A public hearing was held at Bakersfield on May 18, 1951, before Examiner Silverhart and the matter submitted.

Barlow Street runs southerly from Niles Street to a point where it terminates at the northerly line of the railroad right-of-way and then as Quantico Avenue continues from the southerly line of such right-of-way to Brundage Lane. There is a grade crossing at Oswell Road, approximately one-half mile to the east of Barlow Street, one at Mt. Vernon Avenue, approximately one-half mile to the west thereof and another at Haley Street, within the City of Bakersfield, approximately one and one-half miles to the west.

At the outset of the hearing, the Southern Pacific

Company offered to install the proposed crossing, including automatic protection, at its expense, upon the condition that the Mt. Vernon Avenue crossing be closed. The applicant rejected such offer and presented Charles S. Dumble, County Surveyor; B. O. Webber, Consulting Engineer & Maintenance Engineer, Highways & Bridges; Walter M. Maitland, Planning Engineer; Harry W. Gresham, Senior Fire Dispatcher, and Floyd Ming, Supervisor, in support of the application.

The county surveyor testified that Niles Street, State Highway Route 57, is the principal road for traffic moving westerly from the area north of protestant's tracks to Bakersfield; that the proposed crossing would afford access to Edison Highway and California Avenue and via Quantico Avenue to Brundage Lane, and would reduce use of the Mt. Vernon Avenue crossing; that Oswell Street provides accessibility to such area but does not extend to Brundage Lane.

The testimony of the consulting and maintenance engineer disclosed that at the scene of the proposed crossing there are one spur and two main line tracks; that the road approach grade would be about one per cent from the north and about four per cent from Edison Highway to the south; that Quantico Avenue and Barlow Street are paved up to the proposed crossing; that there is a well built up area on the north side of the tracks and there are some housing units on the south side. The witness stated the county would assume the expense of constructing the crossing, bear one half the cost of installing automatic gates and expect the Southern Pacific Company to maintain the crossing between lines two feet outside of the outside rails. He indicated that Edison Highway, which parallels the railroad tracks is heavily

travelled as is California Avenue, and both of these streets meet at a sharp angle a short distance to the east of Barlow Street. While the witness asserted the crossing as proposed would relieve congestion at the Mt. Vernon Avenue crossing and would furnish a central outlet for the area to the north, he conceded that there now are other avenues of travel to and from Bakersfield.

The fire dispatcher testified that the area south of the tracks and Edison Highway and west of Mt. Vernon Avenue to the Bakersfield city line is served by the Niles Street Station located north of the tracks at Mt. Vernon Avenue and Niles Street. The witness stated that difficulty has been experienced at the Mt. Vernon Avenue crossing because of switching activities and the time<sup>(1)</sup> consumed by long freight trains heading east in clearing such crossing.

The testimony of the planning engineer indicated that because existing streets could carry vehicular traffic the proposed crossing could not be justified upon the basis of traffic benefit alone. The witness declared that the section northeast of the tracks has had the greatest increase in population and that the proposed crossing would afford better safety and convenience to the people living in such area. Upon cross examination the witness stated that generally the traffic in the territory here involved flows to and from Bakersfield and that the proposed crossing would be of no great convenience to through traffic but was purely of local interest.

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(1) The testimony of this witness showed that the Mt. Vernon Avenue crossing was used by his fire department 15 times since January 1, 1951, and that, on the average, one out of three emergency runs found such crossing blocked for periods of two to four minutes duration.

The supervisor's testimony showed that in the locality with which we here are concerned there are between 7,000 and 8,000 people residing to the north of the tracks and 2,000 people living to the south thereof. The witness testified that the quickest way to reach Bakersfield from the portion of such section lying north of the tracks is via Mt. Vernon Avenue crossing south to California Avenue; that a grade crossing should be constructed somewhere between the Mt. Vernon Avenue and Oswell Street crossings or a grade separation installed at Mt. Vernon Avenue; that the primary use of such crossing would be for travel to Bakersfield.

Seven public witnesses testified upon behalf of applicant. One such witness, who resides in the area, stated that he utilized the Mt. Vernon Avenue crossing several times daily in travelling to Bakersfield; that on May 17, 1951, such crossing was blocked 92 times for a total of two hours and seven minutes; that a substantial portion of the traffic moving to and from Bakersfield would use the proposed crossing rather than chance Mt. Vernon Avenue being open; that Mt. Vernon Avenue crossing is hazardous but he doesn't wish it closed; that the proposed crossing is needed as an additional outlet for traffic to Bakersfield.

A witness who resides on Barlow Street, about one-eighth of a block north of the proposed crossing testified that there are about 275 houses in the area <sup>(2)</sup> bounded by Center Street, on the north, the tracks on the south, Webster Street

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(2) Exhibit No. 2 depicts such area as an irregularly shaped parcel of land divided into eight blocks.

to the west, and Pentz Street, on the east; that nearly all the residents thereof work in Bakersfield; that the proposed crossing would make it easier to travel to Bakersfield and would increase property values.

Other witnesses testified generally to the effect, that the Mt. Vernon Avenue crossing was blocked a great deal of the time, delaying ambulances and police vehicles; that many accidents occurred at such crossing; that the Mt. Vernon Avenue crossing is essential and should not be closed as a condition precedent to the opening of a crossing at Barlow Street; that an additional crossing at Barlow Street as proposed is needed to relieve the situation existing at the Mt. Vernon Avenue crossing and provide the section south of the tracks safe access to the Hillcrest Shopping Center on Niles Street.

A witness who resides on Barlow Street testified that a crossing in addition to that at Mt. Vernon Avenue is necessary; that such additional crossing should, however, be located further east at Pentz Street because Barlow Street connects directly with Niles Street upon which there are heavy traffic movements east and westbound and at the intersection of such streets is situated the Horace Mann School.

It was stipulated that an additional number of witnesses were available, who if called, would testify to the same general effect as the public witnesses presented.

Southern Pacific Company protested the granting of the application. The superintendent of its San Joaquin Division testified that it operates from 50 to 70 trains daily across

Barlow Street; that of such number 18 are passenger trains which move past Barlow Street at speeds between 35 to 40 miles per hour westbound and close to 50 miles per hour eastbound; that the balance of such number are freight trains which proceed east at speeds between 30 to 35 miles per hour and west between 20 to 25 miles per hour; that not only would it derive no advantage from a grade crossing at Barlow Street, but such crossing would subject it to increased hazards. The witness stated westbound trains consist of 70 to 78 cars and that eastbound trains contain 65 cars, a car being approximately 53 feet long. He asserted that if a grade crossing were opened at Barlow Street, the distance between crossings would be insufficient to accommodate a train of such length; it would then be necessary, he said, to cut the train, which operation would require from 8 to 10 minutes, with a similar period of time consumed in coupling the train. The same witness testified that the existing crossing at Mt. Vernon Avenue is extremely dangerous and that the number of accidents <sup>(3)</sup> would be

(3) Accidents at

Mt. Vernon Avenue Crossing

1945 - 9  
 1946 - 4  
 1947 - 8  
 1948 - 4  
 1949 - 5  
 1950 - 4  
 1951 - 5

Haley Street Crossing

1945 - 1  
 1946 - 6  
 1947 - 5  
 1948 - 2  
 1949 - 2  
 1950 - 6

Oswell Street Crossing

1947 - 1  
 1948 - 1  
 1949 - 1  
 1950 - 1

higher were it not for the efforts of the Southern Pacific Company. His testimony disclosed that Southern Pacific Company proposes that the Mt. Vernon Avenue crossing be closed, and a grade crossing constructed at Webster Avenue, one block to the east thereof, including automatic protection, at its expense.

The applicant has informed the Commission that it is opposed to such proposal.

The record indicates that a principal reason advanced in support of the application was the delays encountered at the Mt. Vernon Avenue crossing. In this connection it should be noted that the evidence shows that a crossing at Barlow Street could be blocked by the same train moving through or standing at the Mt. Vernon Avenue crossing. The record does not show unsatisfactory conditions existing at the crossing at Oswell Street which affords access to the area northeast of the railroad tracks.

The evidence does not demonstrate that the additional proposed grade crossing is necessary in order to adequately serve the public. The advantages which might accrue to the residents of the area concerned, by way of added convenience and possible financial benefits are outweighed by the dangers and hazards attendant upon a crossing at grade. Accident incidence is related to increases in the number of crossings, therefore grade crossings of streets and public highways with railroads should be avoided wherever it is possible to do so. The application will be denied.

Although the application did not raise an issue as to the Mt. Vernon Avenue crossing, applicant and its witnesses expressed dissatisfaction with the conditions prevailing at such

crossing but at the same time maintained that Mt. Vernon Avenue is a major street and insisted that such crossing is essential and strongly opposed its closing. We therefore deem it appropriate to state that the parties of this proceeding might well consider correcting the unsatisfactory situation at the Mt. Vernon Avenue crossing as a means of achieving the result sought.

O R D E R

A public hearing having been held and based upon the evidence therein adduced and the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED that Application No. 31815 is denied.

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

Dated at San Francisco, California, this 18th day of December, 1951.

[Signature]  
Justin J. Cramer  
[Signature]  
[Signature]  
[Signature]  
COMMISSIONERS