

ORIGINAL

Decision No. 46633

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) Application No. 32277
 of Kern over the tracks of the Southern)
 Pacific Railroad, approximately 1343.5 feet)
 South of Mile Post 286.8, Kern County,)
 California.)

Clayton T. Cochran, Assistant County Counsel, for Applicant
J. O. Reavis, for McFarland Chamber of Commerce, in support of
 application.
R. S. Myers, for Southern Pacific Company, Protestant.

O P I N I O N

In this application the County of Kern requests authority to construct a crossing at grade across the tracks and right-of-way of the Southern Pacific Company at Kern Avenue in the town of McFarland. A public hearing was held by Examiner Gannon at McFarland on August 30, 1951, and the matter was submitted.

The town of McFarland is presently served by two grade crossings, Perkins Avenue (Crossing No. B-286.8) and Sherwood Avenue (Crossing No. B-287.3) one-half mile apart. U. S. Highway #99 is the principal business street of McFarland. The railroad parallels the highway immediately to the east thereof. The business establishments are on the west side of the highway from Perkins Avenue, on the north to Sherwood Avenue on the south, and center about Kern Avenue, the location of the proposed crossing. The proposed extension of Kern Avenue is midway between the two existing crossings and extends through Southern Pacific Company's station grounds, which would necessitate the relocation of the Southern Pacific depot and loading platform. It would also be necessary to relocate one block signal and make certain track changes in order to provide adequate service to various industries in the immediate area,

construct crossings 60 feet in width over four tracks, and install two No. 8 flashing light signals equipped with timing-out devices. The cost of these changes, together with the necessary grading and paving, is estimated at approximately \$36,000, and applicant states it will bear the entire expense of constructing the crossing and costs incidental thereto.

Applicant alleges in its application that there is a heavy volume of traffic that desires to cross the Southern Pacific right-of-way in this neighborhood. Practically all of the testimony of witnesses deals with the need for a pedestrian crossing over the tracks. The present crossings are at the extreme north and south sides of McFarland and there is no crossing in the center which would lead to the business district of the town. It is further alleged that there exists a fire hazard by reason of no centralized crossing, as the fire station is located in the south of the western portion and frequently fire trucks must go to the north crossing to reach the eastern portion of the town.

McFarland has a population of between three and four thousand. A large number of interested persons attended the hearing. Fourteen were sworn and testified. Of these 14, two were county officials, two represented service clubs, one was superintendent of schools, one a newspaper publisher, one was postmaster, one a civil engineer, two were housewives, one was a banker, one a hardware merchant, one a public accountant, and one was in the employ of the Division of Highways. ✓

It is the contention of residents of the town of McFarland, as disclosed by the testimony, that opening of the crossing would provide greater safety for school children and more convenient

access to the post office and business district for residents of East McFarland. Of 1,000 pupils attending school, 450 are from the east side, and of these 282 walk to school. Of those walking to school, the witness testified, 215 presently cross the tracks at Kern Avenue. The others cross at Sherwood or Perkins.

In further support of the application residents of the town of McFarland contend that means of access at Kern Avenue is necessary in order to take care of the fire protection facilities as well as the police protection of East McFarland. The town of McFarland is unincorporated and therefore is policed by the Kern County Sheriff's office.

The testimony shows that during the peak seasons of potato, beet, and cotton harvest, the Southern Pacific Company maintains a switch engine at McFarland 24 hours a day to provide satisfactory service to the various plants and packing sheds, and during this period as many as 50 switch movements are made daily in the vicinity of Kern Avenue extended; consequently, the crossing if approved, would be blocked a great portion of the time. Moreover, the nature of the railroad and shipping activities at McFarland would result in cars being stored on the siding in such proximity to the proposed crossing as to seriously restrict motorists' views of approaching trains. These conditions, coupled with the fact that timetables permit speeds up to 75 miles per hour through the area, lead to the conclusion that the proposed crossing would be extremely hazardous.

A witness for protestant, representing American Crystal Sugar Company, with a loading facility at McFarland, testified that the opening of the crossing at Kern Avenue would render the station useless as far as his plant is concerned and if the crossing were permitted they would have to move their plant. The witness

testified that at present their practice is to have 10 to 15 cars spotted at their beet dump and the string of cars is moved forward one at a time as they are loaded. The proposed crossing would mean that no more than three cars could be spotted at once and this would seriously interfere with their operation. Another witness testified that were it not for a hindrance to the railroad it would be an ideal situation if crossings were to be constructed at all the streets.

From the number of potential witnesses attending the hearing and the testimony of those who actually testified, it is reasonable to conclude that there is a well defined segment of the population that favors the opening of the crossing. It appears, however, that most of the witnesses dealt with the necessity for a pedestrian crossing. It is not so clear that such witnesses had given full consideration to the hazard factors involved. The trend throughout the country is toward elimination or separation of dangerous grade crossings rather than toward the installing of new points of potential hazards.

It is the settled policy of the Commission in the interest of safety of the public, to require that grade crossings of public roads with railroads be avoided whenever practicable. In this instance the crossing would be a hazardous one since motorists would have to cross four tracks in a busy switching area and also have their view of high speed trains restricted by standing cars. It does not appear that the existing crossings at Perkins Avenue or Sherwood Avenue cause circuitous routing for the Fire Department since the firehouse is located on Sherwood Avenue west of the tracks. There are existing crossings within one-fourth of a mile in each direction of the proposed crossing.

It is suggested that the County of Kern give consideration

to the construction of a pedestrian overpass across the tracks as well as over U. S. Highway #99.

We are of the opinion, and so find, that public convenience and necessity do not at this time warrant the construction of a grade crossing at Kern Avenue, and that the application should be denied. It will be so ordered.

O R D E R

Public hearing having been held in the above-entitled matter and the Commission being fully advised,

IT IS HEREBY ORDERED that the application of the County of Kern to construct Kern Avenue at grade over the tracks of Southern Pacific Company be and the same is hereby denied.

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

Dated at San Francisco, California, this 8th day of January, 1952

[Signature]
 PRESIDENT

[Signature]
 COMMISSIONERS

[Signature]
 COMMISSIONERS

Commissioner Justus F. Craemer, being necessarily absent, did not participate in the disposition of this proceeding.