

Decision No. 49246**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 LOS ANGELES & SALT LAKE RAILROAD )  
 COMPANY and its lessee, UNION PACIFIC )  
 RAILROAD COMPANY, for an order direct- )  
 ing the physical closing of crossings )  
 at grade of numbers 3-238.7 and )  
 3-239.2, Hayden, California, and )  
 numbers 3-243.7, Dawes, California, )  
 over the tracks of applicants in the )  
 County of San Bernardino, California. )

Application No. 33772

E. E. Bennett and Jack W. Crumley, attorneys, for applicant. Magda Lawson, County Supervisor of San Bernardino County, Martin A. Nicholas, for San Bernardino County Road Commission, and Mr. and Mrs. Clyde C. Adams of Kelso, California, protestants.

O P I N I O N

This matter was heard in San Bernardino on August 26, 1953, before Examiner Chiesa.

The evidence shows that the three crossings which applicants seek permission to close are located in the desert area immediately east of Kelso and that none of said crossings are along publicly dedicated roads. The said crossings are at grade and serve only persons who occasionally go prospecting, or to the mountains for recreational trips. Occasionally they are also used by the Department of Fish and Game personnel and by cattle ranchers. Only one of said crossings, No. 3-239.2, the so-called Middle Hayden crossing, is used to the extent that would justify its retention.

The said crossings are over the tracks of the Union Pacific Railway Company between Kelso and Cima, which communities are approximately 18 miles distant one from the other.

The crossings and distances that each is located east of Kelso are No. 3-238.7, also known as West Hayden crossing, 3.3 miles, No. 3-239.2, also known as Middle Hayden Crossing, 3.8 miles, and No. 3-243.7, also known as the Dawes Crossing, 8.3 miles. It will be seen that these crossings are all within a distance of five miles and that two of them are only one-half mile apart. There is one more crossing, not a part of this application, between said communities, which is located approximately six miles easterly of the Dawes Crossing and is known as the Chase Crossing. There is a county road between Kelso and Cima adjacent to and parallel with the railroad on the north side of the tracks.

The evidence shows that very little need exists for the Crossing No. 3-238.7, the West Hayden Crossing, and that Crossing No. 3-243.7, the Dawes Crossing, is only used to any extent by protestant Adams for mine development work. The record shows that Crossing No. 3-239.2 is used most frequently and serves more miles of desert roads to a mining, grazing and recreational area. The evidence does not show that Crossings Nos. 3-238.7 and 3-243.7 are indispensable for use by occasional prospectors, for cattle grazers, nor for watering wild fowl by game wardens. There will remain four crossings over applicants' tracks at somewhat uniform distances between Kelso and Cima, both points inclusive.

We have carefully considered the entire evidence in this proceeding and we find that it is not in the public interest to close Crossing No. 3-239.2. We also find that applicant's requests to close Crossings Nos. 3-238.7 and 3-243.7 have been justified. The application will be granted in part and denied in part as hereinbelow ordered.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED:

(1) That Los Angeles & Salt Lake Railroad Company and its lessee, Union Pacific Railroad Company, be and they hereby are authorized to abandon and close to public use and travel the grade crossings identified as Crossings Nos. 3-238.7 and 3-243.7 located, respectively, approximately 3.3 miles and 8.3 miles easterly of the community of Kelso, San Bernardino County.

(2) That applicant railroads shall perform all the work and assume all of the expense in connection with the closing and physically abolishing of said crossings, including the construction of any barricades or rights-of-way fences.

(3) That within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within one year, unless time be extended, or if conditions are not complied with.

(4) That except as hereinabove authorized, Application No. 33772 be, and it hereby is, denied.

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

Dated at Los Angeles, California, this 27<sup>th</sup> day of October, 1953.

*A. F. [Signature]*  
 President

*Justus F. [Signature]*

*[Signature]*

*[Signature]*

*[Signature]*  
 Commissioners