

**ORIGINAL**Decision No. 75733

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
own motion into the status, safety,  
maintenance, use and protection or  
closing of grade crossings over  
The Atchison, Topeka and Santa Fe  
Railway Company's main line in the  
City of Bakersfield, and Southern  
Pacific Company's branch line in  
the City of Bakersfield.

Case No. 8767

ORDER AMENDING ORDER INSTITUTING INVESTIGATION  
AND DENYING MOTION FOR ORDER BROADENING THE SCOPE  
OF THE INVESTIGATION AND BRINGING IN A NEW PARTY

This investigation is primarily concerned with a situation existing on the main line of The Atchison, Topeka and Santa Fe Railway between its passenger station in Bakersfield and Kern Junction. There are nineteen grade crossings on about 2.5 miles of track between those points. In addition, the original Order of Investigation included nine crossings on the Buttonwillow Branch of Southern Pacific Company.

On June 27, 1968, respondent Southern Pacific Company filed a motion to broaden the scope of the inquiry by bringing in two additional crossings on the Buttonwillow Branch and by bringing in the County of Kern as a necessary and proper party to the proceeding.

Included in the investigation is Crossing No. BT-318.9 (Hughes Lane) on Southern Pacific Company's Buttonwillow Branch Line. While it abuts streets and property in the City of Bakersfield, the crossing itself is not within the City.

Also included in the investigation is Crossing No. BT-313.8 (Edison Highway) which is in the City of Bakersfield. Said crossing is located on the railroad track that is one leg of a wye connecting Southern Pacific Company's Buttonwillow Branch Line with its main line. On the other leg of the wye are Crossings Nos. BT-314.2-C (also Edison Highway) and BT-314.11-C (Washington Street) which are not within the City of Bakersfield. The three crossings are in close proximity and Southern Pacific Company urges that they should be considered together in order to insure consistency of treatment of adjacent crossings and to permit any work that might be required by the Commission to improve protection at the crossings to be performed as efficiently and as economically as possible for the benefit of both the public bodies involved and the railroad. Edison Highway (State Route 58) is a state highway and Washington Street at the crossing is in the County of Kern.

The Order of Investigation herein contemplated only crossings within the City of Bakersfield; therefore, the Hughes Lane crossing should not have been included. Thirteen days of hearing already have been held in this proceeding and substantial evidence already has been received concerning certain broad issues raised by the parties. Broadening the scope of the investigation to include the County of Kern is not justified. If operational circumstances and conditions require the coordination of automatic protective devices at the three crossings, or if there is such a relationship among the crossings that consideration of automatic protective devices at one requires consideration of circumstances at the others, evidence concerning such facts may be introduced

herein. If the conditions are as alleged they may be justification for not ordering a change in protection at Crossing No. BT-313.8 in this proceeding and may be the basis for consideration of the problems at that crossing together with the related crossings in another proceeding. Such other proceeding may be initiated on application by any of the parties affected or may be instituted by the Commission on its own motion.

We find that:

1. The Order of Investigation herein contemplated restricting the scope of the inquiry into grade crossings within the City of Bakersfield.

2. Crossing No. BT-318.9 (Hughes Lane) included in the Order of Investigation is not in the City of Bakersfield.

3. Crossing No. BT-314.2-C (State Route 58) is not within the City of Bakersfield.

4. Crossing No. BT-314.11-C (Washington Street) is not within the City of Bakersfield.

5. Thirteen days of hearing have already been held in this proceeding during which substantial evidence has been received on issues raised by the parties.

6. Broadening of the issues in this proceeding to include Crossings Nos. BT-314.2-C and BT-314.11-C, and bringing in the County of Kern as a respondent to this proceeding is not warranted or justified.

We conclude that:

1. The Order of Investigation should be amended to delete Crossing No. BT-318.9 (Hughes Lane).

2. The motion of Southern Pacific Company to broaden the scope of the investigation to include Crossings Nos. BT-314.2-C and BT-314.11-C, and to bring in the County of Kern as an additional party should be denied.

O R D E R

IT IS ORDERED that:

1. The Order Instituting Investigation herein is amended by striking on page 2 thereof,

"BT-318.9                      Hughes Lane"

2. The Motion of Southern Pacific Company, filed herein on June 27, 1968, to broaden the scope of the investigation and for other purposes is denied.

3. As herein amended the Order Instituting Investigation herein is continued in full force and effect.

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

San Francisco

Dated at \_\_\_\_\_, California, this  
3rd day of JUNE, 1969.

William J. Lyons, Jr.  
President

Augustine  
Joseph P. Mazzucco  
William

Thomas  
Commissioners