

Decision No. 81353**ORIGINAL**

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  
(Filed February 6, 1968)

(Appearances are listed in Appendix A)

#### ORDER DISCONTINUING INVESTIGATION

This investigation was instituted February 8, 1968. Twenty-eight days of public hearing were held before Examiner Thompson and Examiner Power at Bakersfield during the period May 1, 1968 through January 8, 1970. During the hearing motions were made, and evidence presented in support thereof, that the Commission not order improvements in protection at the grade crossings in excess of that which could be physically accomplished within a period not exceeding two years. Following the conclusion of hearings the Commission's staff met with representatives of the city of Bakersfield (City), Southern Pacific Transportation Company (SPT), The Atchison, Topeka and Santa Fe Railway Company (AT&SF), and the California Department of Public Works (DPW) for the purpose of reaching agreements for the improvement of grade crossings subject to this investigation and for the purpose of arriving at agreements as to priorities. As a result of those meetings agreements have been reached and the following accomplished:

1. Automatic gate arms have been installed at the following crossings:

<u>Crossing No.</u>	<u>Street</u>	<u>Date Installed</u>	<u>Railroad</u>
2-886.9	"Q" Street	October 6, 1971	AT&SF
2-887.2	"L" Street	August 21, 1972	AT&SF
BT-318.2	"H" Street	February 7, 1969	SPT
BT-318.6	White Lane	March 30, 1970	SPT

2. AT&SF Crossing No. 2-886.3 was closed October 30, 1972.

3. The parties have agreed that automatic gate arms shall be installed within two years at the following crossings:

<u>Crossing No.</u>	<u>Street</u>	<u>Railroad</u>
2-887.1	"N" Street	AT&SF
BT-315.1	Lakeview Ave.	SPT
2-885.4	State Route 58	AT&SF
BT-313.8	State Route 58	SPT

4. City has agreed to continue its railroad grade crossing protection program at city streets with the cooperation of the railroads and the Commission staff.

The purposes of this investigation, which include the determination of a program to eliminate or reduce hazardous conditions that may exist at railroad grade crossings in the city of Bakersfield and to prescribe the manner and terms upon which such program is to be effected, have generally been accomplished. In the event that the parties affected are unable to agree regarding the installation, maintenance, or apportionment of cost with respect to improvement of conditions at any crossing pursuant to the program, such issues may be presented to the Commission in a separate proceeding.

The general purposes of this investigation having been accomplished, there will be no useful purpose served in keeping this proceeding open.

IT IS ORDERED that the investigation in Case No. 8767 is discontinued.

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

Dated at San Francisco, California, this 8<sup>th</sup> day of MAY, 1973.

Vernon L. Stenger  
President  
William Symons, Jr.

[Signature]  
[Signature]  
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

LIST OF APPEARANCES

Respondents: Donald R. Davis, Attorney at Law, and William Jing, for City of Bakersfield; Melvin R. Dykman, Attorney at Law, for State of California, Department of Public Works, Division of Highways; Harold S. Lentz, Attorney at Law, for Southern Pacific Transportation Company; and Roderick D. Hayes and Donald L. Stone, Attorneys at Law, for The Atchison, Topeka and Santa Fe Railway Company.

Interested Parties: G. R. Mitchell, James Laurence Montel, L. L. Lane, and Herman H. Adams, for Brotherhood of Locomotive Engineers; R. L. Rutlin, for United Transportation Union; and Roland S. Woodruff, for Greater Bakersfield Separation of Grade District.

Commission Staff: Elmer Sjostrom, Attorney at Law, and Richard O. Collins.