

Decision No. 14858.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of the Board of Supervisors of the
County of Kern for an order authorizing
the said County of Kern to construct a
County Road over and upon the Right of
Way of the Southern Pacific Railroad,
in Section 35, Township 29 South, Range
28 East M.D.E. & M.

Application No. 10822

BY THE COMMISSION:

O R D E R.

The Board of Supervisors of the County of Kern, State of California, filed the above entitled application with this Commission on the 7th day of February, 1925, asking for authority to construct a public road at grade across the tracks of Southern Pacific Company in said County, as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to the construction of said crossing at grade, providing that the existing crossing of this road with the tracks of Southern Pacific Company, located approximately 317 feet east of the proposed crossing be legally closed and abandoned. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said tracks at the point mentioned in this Application, and that there is no

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reason the existing crossing cannot be abolished, and that this Application should be granted, subject to the conditions hereinafter specified,

WHEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Kern, State of California, to construct a road at grade across the tracks of Southern Pacific Company, as follows:

"A strip of land, sixty (60) feet in width, lying along and for thirty (30) feet on each side of the west boundary line of the east half of Section thirty-five (35), Township twenty-nine (29) South, Range twenty-eight (28) East, MDE&M, and extending from the southerly boundary or the right of way of the Southern Pacific Railroad to the northerly boundary of the right of way of said Railroad,"

and as shown by the map (proposed Crossing in Section 35 T 29-S R 28-E) attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of the Southern Pacific Railroad.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of eighty (80) degrees to the railroad and with grade or approach not greater

than three per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) The existing public crossing of this road, located approximately 317 feet easterly from the crossing herein authorized, shall be legally abandoned and effectively closed to public use and travel.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, this 24th day of April, 1925.

H. B. Brundage

C. Healey

George W. Squires

Commissioners