

ORIGINAL

Decision No. 21704.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the Board of Supervisors of Kern County for an Order Authorizing the construction of a crossing by the County of Kern over the Tracks of the Southern Pacific Company at a point on the section line of Sections 5 & 8, T. 27S., R. 39E., MDM., and the right of way of the Southern Pacific Company.

Application No. 15842.

W. A. McGinn, Deputy District Attorney,  
for Applicant.  
H. W. Hobbs, for Southern Pacific  
Company.

BY THE COMMISSION:

O P I N I O N

In the above entitled proceeding the Board of Supervisors of Kern County has petitioned the Railroad Commission for an order authorizing the construction of a county road at grade across the tracks of the Southern Pacific Company.

A public hearing on the application was held by Examiner Williams at Bakersfield on October 4, 1929, at which time the matter was taken under submission.

The proposed crossing is located along the east and west section line between Sections 5 and 8, T. 28 S., R. 39 E., MDM.

The Southern Pacific Company does not oppose the granting of the crossing applied for herein provided the present public road crossing No. BAK-442.9, located approximately one and one-half (1½) miles south thereof, is closed to public travel. There was no opposition to the closing of this crossing.

The proposed crossing will directly serve the residents on the east side of the Owens River valley by providing them a direct route to the State Highway located to the west of the railroad in this vicinity via county road No. 732. The county is now constructing a road west from the proposed crossing to connect with the State Highway. The view is unobstructed in all directions.

It appears from this record herein that there is a public necessity for a convenient public crossing over the railroad to allow access to the State Highway for ranchers living on the east side thereof.

After carefully considering the evidence in this case, it appears that the application should be granted.

#### ORDER

The Board of Supervisors of the County of Kern having made application for permission to construct a public highway at grade across the tracks of the Southern Pacific Company, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore,

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 county road at grade across the track of Southern Pacific Company at the location hereinafter particularly described and as shown by the map attached to the application.

DESCRIPTION OF CROSSING

A strip of land sixty feet in width lying along and for 30 feet on each side of the south boundary of Section 5, T. 27 S., R. 39 E., M.D.M. and extending from the westerly boundary of the right-of-way of the Southern Pacific Railroad, easterly to the easterly boundary of said right-of-way.

The above crossing shall be identified as Crossing No. BAM-444.2.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of 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 Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of seventy-six (76) degrees to the railroad and with grades of approach not greater than five (5) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by a Standard No. 1 crossing sign as specified in General Order No. 75 of this Commission, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) If and when said crossing No. BAM-444.2 herein authorized is constructed and opened to public use and travel,

the existing grade crossing BAM-442.9, located approximately one and one-half (1½) miles south of said crossing authorized herein, 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, California, this 24<sup>th</sup> day of October, 1929.

John B. Loutch

Cl. Seamy

Leon O. Hall

W. J. Lee

Commissioners.