

Decision No. 21715.

ORIGINAL

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 author-  
izing the construction of a cross-  
ing by the County of Kern over the  
tracks of the Southern Pacific Com-  
pany, etc.

Application No. 15846.

W. A. McGinn, Deputy District Attorney,  
for Applicant.

E. K. Lockwood, for The Atchison, Topeka  
and Santa Fe Railway Company.

E. 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 jointly owned track of Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company.

A public hearing on this application was conducted by Examiner Williams at Bakersfield on October 4, 1929, at which time the matter was duly submitted for decision.

The proposed crossing is located along the North and South Center Line of Section 12, T. 29 S., R. 27 E., M.D.M.

It was stipulated by all parties of interest at this hearing that the application should be considered as amended to include The Atchison, Topeka and Santa Fe Railway Company as joint owner of the track and right-of-way of the railway proposed to be crossed by the highway.

The Atchison, Topeka and Santa Fe Railway Company and the Southern Pacific Company, joint owners, do not oppose the granting of this application provided the present private road crossing located approximately three hundred (300) feet east thereof, and now used by the public, is closed. No opposition developed to the closing of this crossing.

The proposed crossing will directly serve the residents of the subdivisions on either side of the track, in that it will afford a direct crossing over the railroad without making a detour to the private crossing or a public crossing located a mile east. Also this crossing will provide a direct route for through traffic between Bakersfield and points on the north side of the track. The view is unobstructed in all directions.

No opposition developed to the granting of the application and it appears from the record that there is a necessity for a convenient public highway crossing over the railroad at this location.

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

O R D E R

The Board of Supervisors of the County of Kern having made application for permission to construct a public highway at grade across the jointly owned track of the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway 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 jointly owned track of the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company at the location hereinafter particularly described and as shown by the map (Proposed Crossing Southern Pacific Company, Section 12, T. 29 S., R. 27 E., M.D.M.) attached to the application.

DESCRIPTION OF CROSSING

A strip of land sixty (60) feet in width lying along and for thirty (30) feet on each side of the west boundary of the east half of Section 12, T 29 S., R. 27 E., M.D.M., and extending from the southerly boundary of the jointly owned right-of-way of the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company northerly to the northerly boundary of said right-of-way.

The above crossing shall be identified as Crossing No. BAH-309.1.

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 and The Atchison, Topeka and Santa Fe Railway 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 railroad companies.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) 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. BAH 309.1, herein authorized is constructed and opened to public use and travel, the existing private grade crossing located approximately three hundred (300) feet east of said crossing authorized herein, shall be abandoned and 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 28th  
day of October, 1929.

Miss D. L. Lunt  
C. Seaver  
Edward J. ...  
Leon O'Whelan  
W. J. ...  
Commissioners.