

Decision No. 25796.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the people of the State of California, on relation of the Department of Public Works, for an order authorizing the construction of a crossing at separated grades of the State Highway and the Minkler Branch of the Atchison, Topeka and Santa Fe Railway, at a point approximately four miles north of the City of Bakersfield, in Kern County.

**ORIGINAL**

Application No. 18421.

BY THE COMMISSION:

C R D E R

The people of the State of California on relation of the Department of Public Works on September 17, 1933, applied for authority to construct a state highway, known as Road VI, Kern-4-G, at separated grades under the Minkler Branch track of The Atchison, Topeka and Santa Fe Railway Company at a point approximately four miles north of the City of Bakersfield, County of Kern, State of California. The Atchison, Topeka and Santa Fe Railway Company, on March 24, 1933, signified, in writing, that it has no objection to the construction of said undergrade crossing and that it is in agreement with applicant with respect to the terms of construction and maintenance of said grade separation.

It appearing that a public hearing is not necessary herein, that it is in the interest of public convenience and necessity that the undergrade crossing be constructed and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the people of the State of California, on relation of the Department of Public Works, are hereby authorized to construct state highway, known as Road VI-Kern-4-G, at separated grade under the Minkler Branch track of The Atchison, Topeka and Santa Fe Railway Company at a point approximately four miles north of the City of Bakersfield, County of Kern, State of California, at the location as shown by the plan (Exhibit "A") attached to the application, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 2Q-111.4-B.
- (2) The entire expense of constructing and thereafter maintaining said grade separation in good and first-class condition for safe and convenient use of the public shall be borne in accordance with an agreement to be entered into between applicant and The Atchison, Topeka and Santa Fe Railway Company. A certified copy of said agreement shall be filed with this Commission for its approval within ninety (90) days from the date hereof. Should said agreement not be filed within the above time and further time not be granted by subsequent order, said costs will be apportioned by supplemental order herein.
- (3) Applicant shall file, within ninety (90) days from the date hereof and prior to the commencement of construction, a set of plans for said crossing, which plans shall have been approved by The Atchison, Topeka and Santa Fe Railway Company.
- (4) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1)

year from the date hereof unless further time  
is granted by subsequent order.

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

Dated at San Francisco, California, this 3<sup>rd</sup> day  
of April, 1933.

*C. Devery*  
*Leon Outley*  
*W. J. Lane*  
*M. B. Lang*  
*Malvina M. Lang*