

Decision No. 10463.

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 said County of Kern to construct a county road over and upon the right of way of the Southern Pacific Railroad and at a point 1438 feet east from the S. W. corner of Section 25, Township 25 S., Range 25 E., M.D.B. & M., Kern County, California.

ORIGINAL

Application No. 7321  
(Rehearing)

J. R. Dorsey, District Attorney, for  
Applicant.

H. H. Gogarty and E. T. Langdale for  
Southern Pacific Company.

BY THE COMMISSION.

OPINION ON PETITION FOR REHEARING

A public hearing was held by Examiner Westover at Delano upon application for rehearing the above entitled application seeking authority to establish a grade crossing at a point just north of Delano.

In addition to the facts reviewed in Decision No. 9968 of January 4, 1922, it was made to appear at the rehearing that there are 100 or more families within ten miles west of the proposed crossing and within two miles of the east and west road with which it would connect, and about 25 families within a radius of two miles from Jasmine; that the Jasmine territory is devoted almost exclusively to fruit growing, and depends upon the Pond territory west of the railroad above described for its hay, grain and fertilizer, which would be the occasion for con-

siderable travel over the proposed crossing. It also appears that it will afford a much more direct route for the school busses taking children to school at Delano.

The Southern Pacific Company does not oppose the crossing of its main line at this point. The country being open, level, and without obstruction to view in the vicinity of the crossing, only the usual advance and crossing signs will be needed.

It now appears from the above testimony that the public convenience and necessity to be served by the proposed crossing is greater than the hazard to safety incident to the establishment of an additional crossing in this territory, where crossings are not at frequent intervals. The crossing one mile north not having been constructed and not being needed, the order in Decision No. 7667 authorizing it will be vacated.

#### ORDER ON PETITION FOR REHEARING

A rehearing having been held on the above entitled matter, at which additional testimony was presented, the matter being submitted and now ready for decision,

IT IS HEREBY ORDERED that the order contained in Decision No. 9968 of January 4, 1922, be and it is hereby vacated and set aside, and the following order be entered in lieu thereof:

IT IS HEREBY ORDERED that the Board of Supervisors of Kern County be and it is hereby authorized and empowered to construct a public crossing at grade over the tracks of the Southern Pacific Company at a point 1438 feet east from the southwest corner of Section 25, T.25 S., R. 25 E., M.D.B. & M., the center line of said crossing being the section line between said Section 25 and Section 36 in said <sup>ship</sup> town/and range; said crossing to be constructed subject to the following conditions, viz.:

- (1) The entire expense of constructing the crossing

shall be borne by the applicant. The cost of its maintenance up to a line two (2) feet outside the rails shall be borne by the applicant. The maintenance of that portion of the crossing between the rails and two (2) feet outside thereof shall be borne by the Southern Pacific Company.

(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 of approach not greater than four (4) 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(5) 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.

Dated at San Francisco, California, this 16<sup>th</sup> day of May, 1922.

H. H. Brundage  
Dwight M. Martin  
J. F. Kennedy  
Commissioners.