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ORIGINAL

Decision No. 4028

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA.

In the matter of the application
of the COUNTY OF KERN for an or-
der authorizing the construction
of a highway crossing of the
right-of-way of the Southern
Pacific Railroad Company, a cor-
poration, on the south boundary
of Section 36, Township 25 South,
Range 25 E. M.D.B. & M.

Application

No. 2347.

George D. Squires for Southern Pacific
Company.

J. O. Hart for applicant.

BY THE COMMISSION.

O P I N I O N

A public hearing in this proceeding was
held at Bakersfield on October 10, 1916, the evidence
being taken by Examiner Encell.

The crossing covered by this application is
located on the south boundary of Section 36, Township

25 South, Range 25 East, M. D. B. & M. and will connect an east and west road lying east of the railroad with an east and west road and the state highway lying west of the railroad. The state highway parallels the railroad.

The site of the crossing asked for is in a flat, open country with an unobstructed view in all directions. The tops of the railroad rails are about two feet above the road at the right-of-way line. The country west of the railroad is under high cultivation and is divided into small tracts. The land east of the railroad is in large tracts at the present time, but will probably be sub-divided in the near future.

From the evidence it appears that the Southern Pacific Railroad Company is not opposed to the granting of this crossing, providing two private crossings, one on each side of the crossing asked for, are closed to travel. One of these crossings is seldom used and the gates leading to it are kept locked. Those interested are willing to close these two private crossings if a public crossing is granted. From the evidence it appears that the application should be granted.

O R D E R

COUNTY OF KERN, STATE OF CALIFORNIA, having applied to the Railroad Commission for permission to construct a public road at grade across the tracks of the Southern Pacific Railroad Company on the south line of Section 36, Township 25 South, Range 25 East, M.D.B. and M., as shown on the map attached to the application,

And a public hearing having been held, and it appearing that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that permission be, and the same is hereby granted COUNTY OF KERN, STATE OF CALIFORNIA, to construct a public highway crossing at grade over the tracks of the Southern Pacific Railroad Company at the point and in the manner applied for, subject to the following conditions and not otherwise, to wit:

1. The entire expense of constructing the crossing shall be borne by the applicant.

2. The expense of maintaining the crossing up to a line two (2) feet outside the rails of Southern Pacific Railroad Company shall be borne by applicant. The expense of maintaining the crossing between the rails and to a line two feet outside there-

of shall be borne by the Southern Pacific Railroad Company.

3. The crossing shall be constructed of a width not less than twenty-four (24) feet and with grades of approach not exceeding four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

4. The two private crossings, one on each side of the crossing applied for, shall be abandoned and closed to travel.

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 18th day of January, 1917.

Max Thelen

H. J. Douglas

Edwin C. Edgerton

Frank R. Werber
Commissioners.