ORIGINAL

Decision No. 5609.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of KINGS COUNTY, CALIFORNIA, for an order determining whether or not a grade crossing will be permitted across the tracks of the LATON AND WESTERN RAILROAD COMPANY, in the County of Kings, State of California.

Application No. 3685.

In the matter of the application of KINGS COUNTY, CALIFORNIA, for an order determining whether or not a grade crossing will be permitted across the tracks of the LATON AND WESTERN RAILROAD COMPANY, in Section 3. Township 18 South.) Range 19 East, M.D.B. & M., all in the County of Kings, State of California.

Application No. 3769.

- R. Justin Miller for the County of Kings, Applicant.
- C. J. Fluhr for Laton and Western Railroad Company.

GORDON, Commissioner.

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These applications were filed with the Commission on April 19, 1918, and May 20, 1918, respectively; and a public hearing was held thereon at Hanford, on July 22, 1918.

In each of these applications the County of Kings requests an order permitting the construction of a county road at grade across the right of way and tracks of the Laton and Western Railroad Company.

The district north and east of Summit Lake has recently been subdivided and is developing rapidly; and the County is building a system of roads to serve the needs of the land owners. In order

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to avoidlong detours in this road system, it is necessary to cross the tracks of the Laton and Western Railroad at two points.

Testimony and inspection of the conditions on the ground show that public convenience and necessity require that these crossings be constructed; there also appears to be no reason why the crossings should be protected with other than a standard crossing sign at the present time, as the train service consists of only one train daily each way and the view at each of the crossings is open.

I recommend the following form of order:

ORDER

COUNTY OF KINGS having applied to the Commission for permission to construct two crossings on two county roads at grade over the tracks of the Laton and Western Railroad Company, as shown on the maps attached to the applications and described as follows:

That certain county road dedicated and laid out between Sections One (1) and Two (2) of Township Eighteen (18) South, Range Nineteen (19) East, Mount Diablo Base and Meridian, and

That certain county road to be constructed along the center line running north and south of Section Three (3), Township Eighteen (18) South, Range Nineteen (19) East, Mount Diablo Base and Meridian,

both of the above being in the County of Kings, State of California.

The said crossings are to be constructed subject to the following conditions, viz.:

(1) The entire expense of constructing the crossings shall be borne by applicant. The cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public shall be borne by applicant, except for that portion between the rails and two (2) feet outside thereof, which shall

be borne by the Laton and Western Railroad Company.

- (2) Said crossings shall be constructed of a width of not less than twenty (20) feet, with grades of approach not to exceed six (6) per cent; shall be protected by suitable crossing signs, and shall in every be made safe for the passage thereover of vehicles and other road traffic.
- (3) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this <u>26th</u> day <u>Suly</u>, 1918.

Commissioners.