

Decision No. 7667

ORIGINAL

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 the said County of Kern to construct a road over and upon the right of way of Southern Pacific Railroad at a point about three miles north of McFarland, California.

Application No. 5646.

R. B. Lambert for applicant.
Frank B. Austin for Southern Pacific Railroad Company.

By the Commission:

O P I N I O N

In this application, filed April 30, 1920, Kern County seeks permission to construct a crossing at grade across the right of way and tracks of the Southern Pacific Railroad Company on the section line between Sections 24 and 25, T. 25 S., R. 25 E., M. D. B. & M., about two miles south of Delano near mile post 283-B.

A public hearing was held at Bakersfield on May 17th before Examiner Westover.

The crossing desired will connect two sections of an east and west county road. One of these extends west for several miles through a well settled section; the other extends east for about one mile to a north and south county road through a sparsely settled region. The country surrounding the crossing is level and open. The nearest public crossings are one mile north and two miles south of the proposed crossing. One cattle guard with fences is already installed

at the location of the crossing.

The railroad company offered no objection to the construction of this roadway across its tracks on account of the long distance between existing crossings. The application should be granted.

O R D E R

Board of Supervisors of Kern County having filed with the Commission, April 30, 1920, application for permission to construct a crossing at grade across the right of way and tracks of the Southern Pacific Railroad Company on the section line between Sections 24 and 25, T. 25 S., R. 25 E., M. D. B. & M., about two miles south of Delano, as shown on the map attached to the application; a public hearing having been held and it appearing to the Commission that the application should be granted, subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, That permission be and the same is hereby granted the Board of Supervisors of Kern County to construct a crossing at grade over the tracks of the Southern Pacific Railroad Company on the line between Sections 24 and 25, T. 25 S., R. 25 E., M. D. B. & M., about two miles south of Delano, as shown by the map attached to the application, 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 maintenance up to two (2) feet of the rails of the Southern Pacific Railroad Company 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 at right angles with the railroad track and of a width of not less than twenty (20) feet, with grades of approach not exceeding five (5) 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.

(3) 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 5th
day of June, 1920.

Edwin O. Edgerton
A. L. Loveland
Divina Martin

Commissioners.