

Decision No. 7668

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 construction of a crossing by the County Road over the right of way of Atchison, Topeka and Santa Fe Railroad at Shafter.

) Application 5516.

R. B. Lambert for applicant.
M. W. Reed for Atchison, Topeka and Santa Fe
Railway Company.

By the Commission:

O P I N I O N

In this application Kern County seeks permission to construct a crossing at grade across the tracks of the Atchison, Topeka and Santa Fe Railway Company on the section line between Sections 9 and 10, T. 28 S., R. 25 E., M. D. B. & M., north of the town of Shafter, Kern County.

A public hearing was held at Bakersfield on May 17, 1920, before Examiner Westover.

This crossing is located on a north and south road which intersects an east and west road just north of the crossing. The railroad runs in a northwest and southeast direction through this section and crosses the county roads at about an angle of forty-five degrees. The nearest public crossings are about one-half mile south and four and one-half miles north of the proposed crossing. The view is open on all four corners of the crossing.

The Shafter School is located near the proposed

crossing and it will be used extensively by the pupils of this school. The crossing will also serve the county roads running to the east and north from this point.

Poso Avenue, a dedicated street, extends across the railroad right of way about four hundred feet southeast of the proposed crossing but it has never been opened to travel. If the proposed crossing is opened Poso Street should remain closed and the the Supervisors of Kern County have so agreed and stipulated in the application.

The railroad company did not oppose the opening of this crossing but requested that the crossing be constructed at right angles to the track as there are no physical obstacles to such a mode of construction and the hazard is lessened thereby.

O R D E R

County of Kern having, on March 29, 1920, filed an application with the Commission for permission to construct a crossing at grade across the tracks of the Atchison, Topeka and Santa Fe Railway on the section line between Sections 9 and 10, T. 28 S., R. 25 E., M. D. B. & M. north of Shafter, as shown by 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 County of Kern to construct a crossing at grade across the tracks of the Atchison, Topeka and Santa Fe Railway Company on the section line between Sections 9 and 10, T. 28 S., R. 25 E., M.D.B. & M., 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 its maintenance up to two (2) feet of the rails of the Atchison, Topeka and Santa Fe Railway 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 Atchison, Topeka and Santa Fe Railway Company.

(2) The crossing shall be constructed at right angles with the railroad track and of a width of not less than twenty-four (24) feet, with grades of approach not exceeding six (6) 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
H. H. Ireland
James M. ...

Commissioners.