

Decision No. 7669**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 permission to construct a road crossing over the tracks of The Atchison, Topeka and Santa Fe Railway Company at Wasco, in said County.

Application No. 5632.

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

By the Commission:

O P I N I O N

This is an application, under Section 2694 of the Political Code, for authority to establish a public road crossing at grade over the tracks of the Atchison, Topeka and Santa Fe Railway on the south line of Section 12, T. 27 S., R. 24 E., M. D. B. & M. This road, which is about one-half mile south of the town of Wasco, is known as Poso Street. Application was made for this crossing in Application No. 2009 on December 14, 1915, but the application was withdrawn by the Supervisors on May 13, 1916.

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

The proposed crossing is located on an east and west road which extends west of the railroad for about three miles. The existing road on the east side of the railroad

and parallel thereto is not dedicated to public use north of the proposed crossing. The portion of this roadway north of the crossing runs over private land and crosses the railroad on an undedicated open crossing near the rice mill. The crossing at the rice mill could be closed if the crossing asked for in this application is opened.

The opening of this road would be a convenience to the Standard Oil Company's station, which is located on the northwest corner of the crossing, as well as to those people living in the south end of Wasco and along this roadway and who desire to go to the south to Shafter and Bakersfield.

The railroad company did not oppose the opening of this crossing provided it was protected by an automatic flagman, to be installed at the expense of the County. As the Standard Oil station will always obstruct the view of both track and roadway on the northwest corner of the crossing, it appears reasonable to require the County to make such installation. Upon the opening of the proposed crossing, the crossing at the rice mill, a short distance to the north, should be closed.

#### O R D E R

Board of Supervisors of Kern County having filed with the Railroad Commission a petition to said board by certain residents, requesting the installation of a public highway, at grade, across the tracks of the Atchison, Topeka and Santa Fe Railway Company on the south line of Section 12, T. 27 S., R. 24 E., M. D. B. & M., about one-half mile south of the town of Wasco., Kern County; and a public hearing having been held thereon and it appearing to the Commission that the application should be granted;

IT IS HEREBY ORDERED, that permission be and the same hereby is granted the County of Kern to construct a road crossing at grade across the tracks of the Atchison, Topeka and Santa Fe Railway Company on the south line of Section 12, T. 27 S., R. 24 E., M. D. B. & M., about one-half mile south of the town of Wasco; 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 of a width of not less than twenty (20) feet with grades of approach not greater than two (2) per cent; shall be protected by an automatic flagman to be installed at the expense of the county and maintained thereafter by the railroad company and shall, in every way, be made safe for the passage thereover of vehicles and other road traffic.

(3) The existing crossing at the rice mill, north of the crossing desired, shall be closed upon completion of the new crossing.

(4) 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 permis-

sion if, in its judgment, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 8<sup>th</sup> day of June, 1920.

Edwin O. Edgerton  
A. L. Ireland  
James Martin

Commissioners.