

Decision No. 7674**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, at grade,
 of a county road over the right of way
 of The Atchison, Topeka and Santa Fe
 Railway Company at Shafter.

Application No. 5433.

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 by the Board of Supervisors of Kern County for an order authorizing the construction of a highway crossing at grade across the right of way and tracks of The Atchison, Topeka and Santa Fe Railway Company near the northwest corner of the southwest quarter of Section 14, Township 28 South, Range 25 East, M. D. B. & M., about one-half mile south of Shafter, Kern County.

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

The crossing applied for is located in a level open country with no obstructions to the view. As laid out it will cross the railroad, which runs at an angle of about 45° northwest and southeast through the section, at right angles. There is an existing county road parallel with and on the west side of the railroad at this point. A north and

south county road and an east and west county road on the section lines meet at the point of crossing. In the past, access to these roads across the railroad was gained by the use of a private crossing with gates, situated about four hundred and twenty-five (425) feet northwest of the proposed crossing. This private crossing is now fenced and there is at present no means by which travellers can cross the railroad. The nearest public crossings are three-quarters (3/4) of a mile north and one and one-half (1-1/2) miles south of this point. The railroad company offered no objection to opening the proposed crossing. The application should be granted.

O R D E R

Board of Supervisors of the County of Kern having, on March 9, 1920, filed an application with the Commission for permission to construct a crossing at grade over the tracks of The Atchison, Topeka and Santa Fe Railway Company near the northwest corner of the southwest quarter of Section 14, Township 28 South, Range 25 East, M. D. B. & M., about one-half mile south of Shafter, Kern County, 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 over the tracks of The Atchison, Topeka and Santa Fe Railway Company near the northwest corner of the southwest quarter of Section 14, Township 28 South, Range 25 East, M. D. B. & M., about one-half mile south of

Shafter, Kern County, 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 shall be borne by the Atchison, Topeka and Santa Fe Railway.

(2) The crossing shall be constructed of a width of not less than twenty-four (24) feet, with grades of approach not greater than eight (8) per cent, shall be protected by suitable crossing signs and shall, in everyway, 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 8th day of June, 1920.

Edwin O. Edgerton
J. D. Loveland
Dwight M. Mason

Commissioners.