

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 County Road over and upon the right of way of The Atchison, Topeka and Santa Fe Railway Company at a point about one mile north and about fifteen hundred feet west of the station known as Pond.

Application No. 5645.

R. B. Lambert for applicant.
M. W. Reed for Atchison, Topeka and Santa Fe Ry. Co.,
Coast Lines.

By the Commission:

O P I N I O N

This is an application, filed as a viewer's petition, under Section 2694 Political Code, on March 29, 1920, and also filed as a formal application under Section 43 of the Public Utilities Act, by Kern County, on April 30, 1920, in which authority is sought to construct a crossing at grade across the right of way and tracks of the Atchison, Topeka and Santa Fe Railway Company on the section line between Sections 24 and 25, Township 25 South, Range 24 E., M. D. B. & M., about one mile northwest of Pond Station, Kern County, California.

A public hearing was held before Examiner Westover at Bakersfield on May 17, 1920, at which all interested parties were represented.

The proposed crossing is located on an east and west road which extends at the present time two miles west of the railroad. One mile of this extension is graded.

This road is now served by a private crossing located about three hundred and twenty-five feet north of the proposed crossing. The road to this private crossing runs through a grove of eucalyptus trees which is located close up to the railroad right of way line on the northwest corner of the crossing applied for.

This crossing is desired to serve some ten or twelve families who have settled on the west side of the railroad track. The nearest grade crossings are located two miles north and one mile south of the proposed crossing.

The railroad company did not oppose the opening of a public crossing at this point provided the existing private crossing were closed and the grove of trees on the northwest corner of the proposed crossing were entirely removed. In case the owner of the trees will not consent to their removal, by the county, the railroad company requests that the crossing be protected by an automatic flagman to be installed at the expense of the county. As the trees obscure the view of the track from the roadway, and vice versa, the request of the company appears justifiable and should be carried out.

O R D E R

County of Kern having applied to the Commission for permission to construct a public road at grade over the tracks of the Atchison, Topeka and Santa Fe Railway on the section line between Sections 24 and 25, T. 25 S., R. 24 E., M. D. B. & M., as shown by the map attached to the application, a public hearing having been held thereon and it appearing to the Commission that this application should be granted;

IT IS HEREBY ORDERED, That permission be and the same hereby is granted Kern County to construct a road crossing at grade over the right of way and tracks of the Atchison,

Topeka and Santa Fe Railway Company on the section line between Sections 24 and 25, T. 25 S., R. 24 E., M.D.B. & M. about one mile northwest of Pond Station, 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 line two (2) feet outside of the rails of the Atchison, Topeka and Santa Fe Railway 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 not less than twenty-four (24) feet at right angles to the railroad and with grade of approach not greater than 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 grove of eucalyptus trees on the northwest corner of the crossing shall be entirely removed at the expense of the applicant, or in case the owner of the trees refuses permission to have them removed, the crossing shall be protected by an automatic flagman to be installed at the expense of the applicant and to be maintained thereafter by the railroad company.

(4) The private crossing about 325 feet north of the proposed crossing shall be closed.

(5) 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. Egan
W. H. Loveland
James M. Masten

Commissioners.