

ORIGINAL

In the matter of the application of Board of Supervisors of the County of Kern for authority to construct county road over and upon the right of way of the Southern Pacific Company at a point where said right of way is intersected by Section Line running North and South between Sections 14 and 15, Township 28 South, Range 26 East, N. D. B. and M., in Kern County, California.

Application No. 5763.

F. E. Borton for Southern Pacific Company.

By the Commission:

O P I N I O N

In this application Kern County seeks permission to construct a public road at grade across the tracks of the Southern Pacific Company on the section line between Sections 14 and 15, Township 28 South, Range 26 East, N. D. B. and M., south of Lerdo.

A public hearing was set at Bakersfield for July 16, 1920 before Examiner Westover. No one appeared for the County, until finally Supervisor Stanley Abel was found and at his request the matter was set over for hearing on August 25, 1920. Again the County failed to appear.

Inspection shows that the proposed crossing is over the main line track of the Southern Pacific Company in level open country with no obstructions to the view and with no houses on the road leading up to the railroad for at least three quarters of a mile from the railroad. There are at present open crossings in use about one-half of a mile north and one-third of a mile south

of the proposed crossing. The crossing to the north is a private crossing but is not equipped with gates as the right of way is enclosed. The nearest public crossing is one mile north.

Owing to the proximity of existing crossings and to the evident unimportance of this crossing, as shown by the lack of interest on the part of the County, it is recommended that this application be denied.

O R D E R

County of Kern having, on June 1, 1920, filed with the Commission an application for permission to construct a public road at grade across the tracks of the Southern Pacific Company on the section line between Sections 14 and 15, Township 28 South, Range 26 East, M. D. B. and M., about three quarters of a mile south of Lerdo, a public hearing having been held, and the Commission being fully apprised in the premises, and of the opinion that this application should be denied,

IT IS HEREBY ORDERED, That this application be and the same is hereby denied without prejudice.

Dated at San Francisco, this 25th day of September, 1920.

Edwin O. Edgerton
H. D. Loveland
Frank R. Dyer
H. B. Boudige

Commissioners.