

Decision No. 8660

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, State of California, for an )  
order authorizing said county to con- )  
struct a County Road over the right of )  
way of the Sunset Western Railroad Com- )  
pany near Fellows. )

Application No. 6353.

ORIGINAL

R. B. Lambert for Applicant.  
E. T. Langdale for Sunset Western Railroad Company.

BY THE COMMISSION.

O P I N I O N

In this application, filed December 1, 1920, the County of Kern asks permission to construct a crossing, at grade, over the tracks of the Sunset Western Railroad Company, near Fellows. This crossing is located on the east side of Fellows depot. It is over three tracks and, although there are several buildings in the vicinity, none of them are near enough to obstruct the view of the crossing to any great extent. There is already a county road at this point. The nearest public crossing is 1200 feet east of the one proposed.

A public hearing was held at Bakersfield January 18, 1921, before Examiner Satterwhite.

The Railway Company is not opposed to the granting of the application.

O R D E R

County of Kern having filed with the Commission an application for permission to construct a crossing, at grade, over the tracks of the Sunset Western Railroad Company, near

Fellows; 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 Sunset Western Railroad Company, near Fellows, in Section 6, near Engineer's Station 708, 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 feet of the rails of the Southern Pacific Company shall be borne by the applicant. The maintenance of that portion of the crossing between the rails and two feet outside thereof shall be borne by the Sunset Western Railroad Company.

(2) The crossing shall be constructed of a width not less than twenty-four feet with grades of approach not exceeding four (4) 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 installation of said crossing shall be made within one year from the date of this order unless further time is granted by subsequent order herein and unless so completed within the time specified the authorization herein granted shall lapse and become void.

(4) The Commission shall be notified in writing of the completion of the installation of said crossing within thirty (30) days thereafter.

(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 21<sup>st</sup> day of February, 1921.

H. J. Loveland

Frank D. W. W.

H. J. P. W.

W. J. W.

W. J. W.

Commissioners.