

Decision No. 8762

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the  
Board of Supervisors of Kern County,  
California, for an order authorizing said  
County to construct a county road over  
and upon the right of way of the Southern  
Pacific Railroad Company near McKittrick.

**ORIGINAL**  
Application No. 6352.

R. B. Lambert for Applicant.  
E. T. Langdale for Southern Pacific Company.

BY THE COMMISSION.

O P I N I O N

In this application, the County of Kern asks permission to construct a crossing at grade over the tracks of the Southern Pacific Company near McKittrick. There is an existing paved county road at this point at the present time, but the crossing is covered by two private roadway signs stating that permission to pass over the crossing is revocable at any time.

It is evidently the desire of the county supervisors to have these private crossing signs removed and have the crossing made a public one, merely as a matter of record.

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 county road over

and upon the right of way of the Southern Pacific Railroad Company near McKittrick; 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 county road over and upon the right of way of the Southern Pacific Railroad Company near McKittrick at Engineer's Station 156+24 in Section 18, T. 30 S., R. 22 E., M. D. B. & M., 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 Southern Pacific Company.

(2) The crossing shall be constructed approximately at right angles with the railroad track and of a width not less than twenty-four feet, with grades of approach not exceeding 4%; 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. S. Leonard  
Frank Wilson  
H. B. Boudige  
James Martin  
Robert H. Howell

Commissioners.