

Decision No. 13739.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF the Application
of the City of Oroville, Ordering
the Western Pacific Railroad Com-
pany to Construct and Maintain a
Grade Crossing at Third Street in
the City of Oroville.

Application No. 10,052.

ORIGINAL

BY THE COMMISSION:

O R D E R

The Board of Trustees of the City of Oroville, County of Butte, State of California, having filed the above entitled application with this Commission on the 7th day of May, 1924, asking for authority to construct a public street at grade across the tracks of The Western Pacific Railroad Company in said city, as hereinafter set forth, said Western Pacific Company has signified by letter that it has no objection to the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation crossing or to avoid a grade crossing with said tracks at the points mentioned in this application, and that this application should be granted, subject to the conditions hereinafter specified;

THEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the Board of Trustees of the City of Oroville, County of Butte, State of California, to construct Third Street at grade across the tracks of The Western Pacific Railroad Company, as shown by the map attached to the application, said crossing to be constructed subject to the following conditions, namely:

- (1) The entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to lines two (2)

feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Western Pacific Railroad Company.

(2) The crossing shall be constructed of a width not less than thirty (30) feet and at an angle of approximately seventy-six (76) degrees to the railroad and with grades of approach not greater than eleven and nine-tenths percent to the west and four and five-tenths percent to the east; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of said crossing at the sole expense of applicant, said automatic flagman to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said flagman shall be borne by The Western Pacific Company.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) 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.

This order shall become effective three (3) days from

the making thereof.

Dated at San Francisco, California, this 23rd
day of June, 1924.

C. L. Seavey
H. P. ...
Iwing Martin

Commissioners