

Decision No. 14063

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of The Western Pacific Railroad)
Company for permission to construct)
a spur track at grade across Third)
Street and below grade across portions) Application No. 9949.
of Lincoln Street and Second Street,)
Public Highways in the City of Oro-)
ville, State of California.)

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 7th day of April, 1924, asking for authority to construct a spur track at grade across Third Street and a portion of Second Street and Lincoln Avenue in the City of Oroville, County of Butte, State of California, as hereinafter set forth. The necessary permit (Resolution No. 317) has been granted by the City Council of said City for the construction of said crossings 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 grade separations, or to avoid grade crossings with said Second Street, Third Street and Lincoln Avenue 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 Western Pacific Railroad Company to construct a track at grade across Second Street, Third Street and Lincoln Avenue, in the City of Oroville, County of Butte,

State of California, said spur track described as follows:

BEGINNING at a point in the center line of the main line track of The Western Pacific Railroad Company, distant thereon approximately 170.0 feet southerly of the southerly City limits of the City of Oroville, County of Butte, State of California; thence northerly, with switch and turn-out to the right, approximately 215.0 feet to a point, crossing said City limits at a point distant thereon approximately 5.0 feet westerly of the easterly line of Lincoln Street, extended southerly; thence continuing northerly tangent to said curve approximately 198.0 feet to a point; thence on a curve to the left approximately 60.0 feet to a point, crossing the southerly line of Third Street approximately 10.0 feet westerly of said easterly line of Lincoln Street, extended southerly; thence on a curve to the right approximately 60.0 feet to a point, crossing the northerly line of said Third Street approximately 14.5 feet westerly of said easterly line of Lincoln Street; thence continuing northerly, distant 14.5 feet from and parallel to said easterly line of Lincoln Street, approximately 140.0 feet to a point; thence northeasterly on a curve to the right approximately 300.0 feet to a point, crossing said easterly line of Lincoln Street approximately 86.0 feet southerly of the southerly line of Second Street, and crossing said southerly line of Second Street approximately 71.5 feet easterly of said easterly line of Lincoln Street; thence easterly, tangent to said curve and approximately 31.0 feet from and parallel to said southerly line of Second Street, approximately 123.0 feet to the point of termination on the westerly line of Railroad Avenue; a total length of approximately 1096.0 feet from the point of beginning.

The above as shown by the map (Marked Exhibit "A") attached to the application; said crossings to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of said streets now graded, with the top of rails flush with the road surface, and with grades of approach not exceeding two (2) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for

the passage thereover of vehicles and other road traffic.

(3) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 after the making thereof.

Dated at San Francisco, California, this 16th day of September, 1924.

C. A. Leary
H. B. Brundage
Dwight Martin

Commissioners.