

Decision No. 157673

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
the Board of Supervisors of Butte  
County for an order authorizing the  
construction of a road crossing over  
the tracks of the Southern Pacific  
Company from easterly end of Rose  
Street in the Baggett Tract, to  
westerly end of Mill Street, in the  
Paxton Subdivision.

Application No. 11467.

ORIGINAL

C. E. Porter, for Supervisors of Butte County.

H. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

This is a petition of Butte County for authority to construct a crossing at grade over the track of the Southern Pacific Company's Oroville Branch near Oroville, brought under the provisions of Section 2694 of the Political Code. A public hearing was held before Examiner Austin in the Board of Supervisors' Room in the Court House at Oroville, Butte County, California, on September 23rd, 1925.

The crossing requested under this proceeding is located approximately two miles south of Oroville city limits and about one thousand feet south of the crossing of Palermo Avenue with the Oroville Branch of the Southern Pacific Company, which location is also the forks of Palermo Avenue and the Oroville-Marysville Highway, which latter road parallels the railroad on its easterly side from the forks southerly about eighteen hundred feet and there turns southeasterly. The traffic over Palermo Avenue on a typical July day of 1925 was 655 and over the Oroville-Marysville Highway was 330. The Southern Paci-

fic Company operates but one regular mixed train each way over this branch daily.

The proposed crossing would connect Mill Street in the Paxton Subdivision, which lies on the easterly side of that portion of the Oroville-Marysville Highway above described with Rose Street in the Baggett Tract, which lies between Palermo Avenue and the railroad. The necessity for the crossing is stated as twofold; First, the residents of the two subdivisions mentioned desire to establish a joint Fire District for the protection of their homes and property and apply for the proposed crossing in order that fire apparatus and hose may be carried across from one tract to the other; Second, many of the residents of the Paxton Subdivision work at The Western Pacific Railroad Company Terminal Shops and at the Hutchinson Lumber Company Mills and the proposed crossing is required to allow these residents to have short and easy access to these shops and mills.

The Hutchinson mill is located about a mile south of the proposed crossing and west of Palermo Avenue. The Western Pacific Shops are west of Palermo Avenue about one-quarter of a mile south of the subdivisions.

Assistant Engineer, L. R. Kessing, of the Commission's Staff, made a field investigation and sketched on Applicant's Exhibit No. 1 the houses and tents existing or under construction on the Paxton Subdivision and the Baggett Tract. This sketch shows nineteen completed buildings, 2 partially completed houses, 2 tent houses and 3 tents in the Paxton Subdivision and 16 houses in the Baggett Tract. Practically all of the structures in the Paxton Subdivision lie between the existing highway crossing and the proposed crossing. At least twelve of the structures in the Paxton Subdivision appear closer to the existing crossing than to the proposed crossing. The southerly halves of these two subdivisions are as yet undeveloped.

- The evidence shows that practically all employees of the lumber mill and railroad shops go by auto to and from work; that the distance to Palermo Avenue and Rose Street by the existing Palermo Avenue crossing from Mill Street near the center of the Paxton Subdivision is greater by about two thousand feet than the distance by the proposed crossing. At twenty miles per hour this would require 66 seconds additional time of travel via the existing crossing for the most distant residents each way to and from work at the shops and mill. Fire apparatus stationed at the junction of the two main highways would be equidistant from the two subdivisions by paved roads and close to the built-up portion of the Paxton Subdivision.

Certain witnesses testified that in their opinion the proposed crossing was too close to the Palermo Avenue crossing and was not properly located to serve the southerly half of the subdivision, which when developed would require an additional crossing further south. It was recommended that a crossing be installed at Hellman Street instead of at the location proposed in this proceeding. View of the track from the west of the proposed crossing between Mill and Rose Streets would be badly obscured by scrub oak trees growing along the alley adjacent to the railroad right of way and on private property for about two hundred feet north and south of Rose Street. The County stated that while it could remove the trees from the public roads, it could not remove those from private land if the owners would not give their consent.

The record shows that traffic conditions in the vicinity of the Palermo Avenue crossing are congested about seven in the morning, at noon and around five o'clock in the afternoon and that residents of the Paxton Tract have difficulty in turning south into Palermo Avenue on account of the fast traffic thereon and for the reason that they are forced to turn through an angle of about 330 degrees immediately adjacent to the railroad crossing. It appears, however, that

the latter condition can be considerably bettered by moving back the wing fences and cattle guards on the south side of the railroad and paving a right angle crossing on the south side and continuous with the present skew crossing. It is recommended that this improvement be undertaken by the Southern Pacific Company and the Applicant.

It is in the public interest to keep the number of grade crossings serving a given district down to the minimum number which, when properly placed, will serve such district with reasonable convenience. It would appear neither necessary or in the public interest to open a crossing between Rose and Mill Streets at this time and later to open another at Hellman or some other nearby street to serve the southerly half of these subdivisions, particularly since the most distant of these two crossings would be not more than twenty-two hundred feet from the Palermo Avenue crossing.

The record shows that the residents of the Paxton Subdivision are probably entitled to a convenient crossing leading to the south but that one such crossing is sufficient. The crossing proposed in this proceeding, however, is not properly located and therefore it appears that this application should be denied without prejudice.

#### O R D E R

The Board of Supervisors of the County of Butte, having filed certified copies of a petition of freeholders of said County and an order appointing viewers, in which permission is sought to construct a public highway at grade across the track of the Oroville Branch of the Southern Pacific Company, under Section 2694 of the Political Code of California, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore,

IT IS HEREBY ORDERED, that the above entitled proceeding  
be and it is hereby dismissed.

The effective date of this order shall be twenty (20) days  
from the date hereof.

Dated at San Francisco, California, this 2<sup>nd</sup> day of  
November, 1925.

H. B. ...

C. ...

George D. ...

Leon ...

Commissioners.