

Decision No. 18467

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of )  
Southern Pacific Company for an )  
order authorizing the construc- )  
tion at grade of a branch line )  
or freight spur across three (3) )  
county roads in the vicinity of )  
Rupert station, County of Yuba, )  
State of California. )

ORIGINAL

Application No. 13055.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 26th day of July, 1926, asking for authority to construct a branch line or freight spur track at grade across three (3) county roads in the vicinity of Rupert Station, County of Yuba, State of California, as hereinafter set forth. The necessary franchise or permit, dated July 12th, 1926, has been granted by the Board of Supervisors of said County of Yuba for the construction of said crossings at grade. The Engineering Department of the Commission recommended that certain slight changes be made in the county road alignment at the third crossing east of Rupert, in order that the angle of intersection between the railroad and highway might more nearly approach an angle of 45 degrees instead of the angle of 15 degrees proposed in the application. The Southern Pacific Company has agreed to make the proposed change and the Board of Supervisors of Yuba County have passed a resolution, dated April 5th, 1927, abandoning that portion of the existing county road and accepting the section of new county road in lieu thereof required to make the desired change.

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 at the points mentioned in this application with said county roads 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 Southern Pacific Company to construct a branch line or freight spur track at grade across three county roads in the vicinity of Rupert, County of Yuba, State of California, at the locations hereinafter particularly described and as shown by the maps (Sacramento Div'n. Dwgs. U-889-f, U-889-b and U-889-c, Drawer 8), attached to the application.

#### DESCRIPTION OF CROSSINGS

Beginning at a point on the southerly right of way line of the proposed relocated County Road, said point being in the center line of the Central Pacific Company's proposed Rupert freight branch at ES 163+22.54, said point also bearing N  $24^{\circ} 36\frac{1}{4}'$  E a distance of 8926.96 feet from the section corner common to Sections 20, 21, 23 and 29, T 15 N, R 4 E, M D B & M. Thence N  $2^{\circ} 25\text{-}3/4'$  E across the proposed county road a distance of 53 feet to the north line of the county road, which point is the center line of the above mentioned track at ES 163+75.56.

Beginning at a point on the westerly right-of-way line of the county road and in the center line of Central Pacific Company's proposed Marysville-Rupert Freight Branch at Engineer Station 132+84.53. Said point bears North  $26^{\circ} 57' 50''$  East a distance of 5934.58 feet from section corner common to Sections 20, 21, 28 and 29, Township 15 North, Range 4 East, M.D.B. & M; thence along center line of proposed branch railroad across county road on a curve concave to the right, having a radius of 1273.32 feet, an arc distance of 48.0 feet to a point on the easterly right-of-way line of county road and in center line of proposed branch railroad.

Beginning at a point on the southerly right-of-way line of an existing county road which is 66 feet wide and on the center line of the Central Pacific Railway Company's proposed Marysville-Rupert freight branch at Engineer Station 68+85.77; said point of beginning is on a curve known as a Southern Pacific taper  $3\frac{1}{2}$  and is 26.0 feet from the beginning point thereof, and bears North  $50^{\circ} 48'$  West 3701.85 feet from the section corner common to Sections 20, 21, 23 and 29, Township 15 North, Range 4 East, M.D. B. & M., Yuba County, California. Thence following said Southern Pacific tapered curve to the right, the chord of which bears North  $54^{\circ} 12'$  East 33.88 feet to the beginning point of a 12 degree curve; thence following said 12 degree curve to the right, the chord of which bears North  $57^{\circ} 41'$  East 35.8 feet, to a point on the northerly right-of-way line of said county road.

The above crossings shall be identified as Crossing No. C-142.9-C, Crossing No. C-142.3-C and Crossing No. C-141.1-C, respectively.

Said crossings to be constructed subject to the following conditions, namely:

(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 equal or superior to type shown as Standard No. 2 in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to those portions of said roads now graded, with the tops of rails flush with the roadways and with grades of approach not exceeding four (4) 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) If said crossings 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.

(5) 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 3d day of June, 1927.

James G. Ledwith

H. B. Anderson

W. A. ...

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Commissioners.