

ORIGINAL

Decision No. 19382.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
 W. A. BECHTEL for permission to
 construct, maintain and operate a
 spur track at grade over and across
 a public county highway in the
 County of Butte, State of California,
 and of THE WESTERN PACIFIC RAILROAD
 COMPANY for permission to operate
 over said track in said County and
 State.

Application No. 14357.

BY THE COMMISSION:

ORDER

W. A. Bechtel and The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 20th day of January, 1928, asking for authority to construct a spur track at grade across the Oroville-Marysville County Highway in the County of Butte, State of California, as hereinafter set forth. The necessary franchise or permit has been granted by the Board of Supervisors of said County for the construction of said crossing at grade. 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 or to avoid a grade crossing at the point mentioned in this application with said Oroville-Marysville County Highway 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 W. A. Bechtel and The Western Pacific Railroad Company to construct a spur track at grade across the Oroville-Marysville County Highway in the County of Butte, State of California, at the location hereinafter particularly described and as shown by the map (Exhibit "A") attached to the application.

Description of Crossing.

Across the County Highway in Section 36, Township 19 North, Range 3 East, M.D.B. & M., Butte County, California. Said point of crossing of County Highway between Oroville and Marysville is at a point southerly 333.0 feet measured along the easterly line of Section 36, Township 19, north, Range 3 East, M.D.B. & M. and South 85° 40' West 421.0 feet from the northeast corner of said Section 36.

The above crossing shall be identified as Crossing No. 4-204.59 C.

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

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

(2) Said crossing 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 of a width to conform to that portion of said highway now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding three (3) per cent; shall be protected by a crossing sign in accordance with Standard No. 1 in General Order No. 75 of this Commission, and shall in every way be made safe for the pas-

sage thereover of vehicles and other road traffic.

(3) No train, motor, engine or car shall be operated over said crossing at a speed in excess of ten (10 miles per hour.

(4) Cars shall not be moved over crossing ahead of engine or motor unless traffic on the highway be protected by a member of the train crew, or other competent employee, acting as a flagman.

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

(6) 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.

(7) 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.

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

Dated at San Francisco, California, this 18th day of February, 1928.

Leon Whelan
W. A. Seaver
Wm. J. Kelly
Thos. R. Curtis
W. A. Carr
 Commissioners.