

Decision No. 20144

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 Company to construct and maintain a Grade Crossing at Third Street in the City of Oroville.

ORIGINAL

Application No. 14936.

BY THE COMMISSION:

O R D E R

The Board of Trustees of the City of Oroville, County of Butte, State of California, filed the above entitled application with this Commission on the 1st day of August, 1928, asking for authority to construct a public street known as Third Street at grade across the tracks of The Western Pacific Railroad Company in said City of Oroville, as hereinafter set forth. It appears that said crossing was heretofore authorized by the Commission in its Decision No. 13739, dated June 23rd, 1924, in Application No. 10052 but that said crossing was not constructed and this authority has now lapsed. The Western Pacific Railroad 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 or to avoid a grade crossing with said tracks at the point 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 at the location shown by the map attached to the application.

The above crossing shall be identified as Crossing No. 4-204.5.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of those portions of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of those portions 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 main line track and with grades of approach not greater than seven (7) per cent; shall be constructed substantially in accordance with Standard No. 2, as specified in General Order No. 72 of this Commission; shall be protected by Standard No. 1 crossing signs, as specified in General Order No. 75 of this Commission, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) An automatic wig-wag, conforming with Standard No. 3 in the Commission's General Order No. 75, shall be installed and maintained for the protection of the crossing.

(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.

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

Dated at San Francisco, California, this 21st day of August, 1928.

A. Leamy

Thos. D. Lott

W. J. Cass

Commissioners.