

ORIGINAL

Decision No. 21222

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the matter of the Application of  The People of the State of California,  on relation of the Department of Pub-  lic Works, Division of Highways, for  an order authorizing the construction  of a State Highway bridge over the  tracks of the Western Pacific Railroad  and the Feather River, four miles east  of Oroville, Butte County.</p>	)	
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Application No. 15607.

BY THE COMMISSION:

ORDER

The People of the State of California on relation of the Department of Public Works, Division of Highways, filed the above entitled application with this Commission on the 9th day of May, 1929, asking for authority to construct a state highway bridge at separated grade over and across the tracks of The Western Pacific Railroad Company four miles east of Oroville, as hereinafter set forth.

Said Western Pacific Railroad has signified by letter that it has no objection to the construction of said overhead crossing but is of the opinion that, under the circumstances, there can be no liability on its part to participate in the cost of said structure and requests that its rights in this regard be fully protected, in the event authority to construct said separation is granted by ex parte order.

It appears to this Commission that it is in the interest of public convenience and necessity that the said overhead crossing be constructed, and that authority for said construction 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 People of the State of California on relation of the Department of Public Works, Division of Highways, to construct a highway bridge at separated grade over and across the tracks of The Western Pacific Railroad Company at the location shown by the map (plan and profile of proposed highway crossing over the Western Pacific Railroad about  $4\frac{1}{2}$  miles east of Oroville) attached to the application.

The above crossing shall be identified as Crossing No. 4-210.5-A.

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

(1) Said crossing shall be constructed, except as hereinafter specified, substantially in accordance with Plan marked Exhibit "A" attached to the application.

(2) Said crossing shall be constructed with clearances conforming to the provisions of the Commission's General Order No. 26-C.

(3) Applicant shall, within one hundred and twenty (120) days from the date of this order, file with this Commission a certified copy of the agreement between the interested parties relative to the division of cost of construction and maintenance of said crossing. Said agreement shall be subject to the approval of this Commission. If said agreement is not filed within one hundred and twenty (120) days from the date hereof, this application will be set for hearing to determine the proper apportionment, if any, of the costs of construction and maintenance between the interested parties.

(4) The authority herein granted shall, in no manner, prejudice the rights of the Western Pacific Railroad in any subsequent hearing which may be held for the purpose of considering the question of the apportionment of cost.

(5) Applicant 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 14th day of June, 1929.

David S. Lott  
C. S. Weaver  
George W. Park  
Leon A. White

Commissioners.