

Decision No. 21806.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of  
 The WESTERN PACIFIC RAILROAD COMPANY  
 for permission to relocate an exist-  
 ing crossing over a county road at  
 grade near the City of Marysville,  
 County of Yuba, State of California.

Application No. 15949.

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 16th day of September, 1929, asking for authority to relocate a county road known as Ellis Road at grade across the track of The Western Pacific Railroad Company, in the vicinity of the said City of Marysville as hereinafter set forth. The necessary franchise or permit (Resolution dated September 4, 1929,) has been granted by the Board of Supervisors of said county for the relocation 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 with said track 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 Western Pacific Railroad Company to relocate Ellis Road at grade across the track of The Western Pacific Railroad Company at the location hereinafter particularly

described and as shown by the map (Exhibit "A") attached to the application.

Description of Crossing

"A roadway twenty (20) feet in width, being ten (10) feet in width on each side of the following described center line:

BEGINNING at a point in the center line of existing road, said point being distant westerly measured along the east and west center line of Section 36, Township 16 North, Range 3 East, M.D.B.&M., approximately 1510 feet from the east quarter corner of said Section, said point also being distant easterly along the center line of said Section, 160 feet from the center line of the main track of the Western Pacific Railroad Company; thence westerly along the said east and west center line of said Section, a distance of approximately 325 feet to point of connection with existing roadway, crossing the center line of the main track of the said railroad at a point designated as Mile Post 183.06."

The above crossing shall be identified as Crossing No. 4-183.1.

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

(1) The entire expense of constructing the crossing shall be borne in accordance with an agreement to be entered into by applicant and County of Yuba; a certified copy of same is to be filed with this Commission for its approval within ninety (90) days from the date hereof. In the event no such agreement is filed, this Commission will by supplemental order apportion the cost.

(2) The crossing shall be constructed of a width not less than twenty (20) feet and at an angle of eighty-three (83) degrees to the railroad 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 a Standard No. 1 crossing sign 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) The existing public crossing of Ellis Road located as follows, to-wit:

"A roadway 14 feet in width, being 7 feet in width on each side of the following described center line:

BEGINNING at a point in the center line of existing road, said point being distant westerly measured along the east and west center line of Section 36, Township 16 North, Range 3 East, M.D.B.&M., approximately 1510 feet from the east quarter corner of said Section, said point also being distant easterly along the center line of said Section, 160 feet from the center line of the main track of the Western Pacific Railroad Company; thence South  $48^{\circ}$  West 110 feet to a point; thence West approximately 165 feet; and thence North  $47^{\circ}$  West approximately 108 feet to a point in the center line of the existing road, said point being in the east and west center line of said Section 36,"

shall be legally abandoned and effectively closed to public use and travel upon the opening of the crossing herein authorized.

(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 20<sup>th</sup> day of November, 1929.

*W. H. ...*

*Al ...*

*James ...*

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Commissioners.