

Decision No. 24876.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the County of Sutter for permission to Abandon Crossing No. AFB-101.3 of the Southern Pacific Railroad, Sutter Basin Branch, and for permission to construct a new crossing at a definite location in place thereof.

Application No. 18012.

ORIGINAL

BY THE COMMISSION:

ORDER

The Board of Supervisors of the County of Sutter, State of California, on March 5, 1932, applied for authority to construct a public road, known as Varney Road, at grade across the track of Southern Pacific Company, Sutter Basin Branch, in the vicinity of Seymour. Southern Pacific Company, on March 28, 1932, signified, in writing, that it has no objection to the construction of said crossing at grade, provided the entire cost of constructing the crossing, providing crossing protection, as well as the maintenance of the crossing up to within two feet of the rails, be assessed to the applicant, and further provided that the existing crossing No. AFB-101.3 be abandoned. It appearing that a public hearing is not necessary herein; 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 and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the Board of Supervisors of the County of Sutter, State of California, is hereby authorized

to construct Varney Road at grade across the track of Southern Pacific Company at the location more particularly described in the application and as shown by the maps (Exhibits "A," "B," and "C") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. AFB-102.4.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by Southern Pacific Company.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle of eighty (80) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by a Standard No. 1 Crossing Sign, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Prior to the beginning of actual construction of the crossing herein authorized, the County of Sutter shall file with this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public grade crossing of Seymour Road, identified as Crossing No. AFB-101.3. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said crossing, No. AFB-101.3, shall be legally abandoned and effectively closed to public use and travel.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.

- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof 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, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of April, 1932.

C. E. Kealey  
Leon Whidell  
M. J. Law  
W. B. Harris  
Frederic G. Bennett  
Commissioners.