

Decision No. 149

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In the matter of the application of
 Northern Electric Railway Company,
 a corporation, for permission to
 construct its track at grade over
 the tracks of Southern Pacific
 Company on 9th street, in the city
 of Chico, Butte county, California.

Application No. 155.

ORDER

By the Commission.

Northern Electric Railway Company having heretofore on July 8, 1912, filed with this Commission its application for permission to construct its track at grade across the tracks of Southern Pacific Company on 9th street, city of Chico, Butte county, California, between Orange street and Cedar street, as shown by the map and profile attached to the application; and it appearing to the Commission that Southern Pacific Company by its General Manager, W. R. Scott, and Northern Electric Railway Company by its Attorney, E. F. C. Gregory, have on this date filed a waiver of a hearing before the Commission on this application; and it appearing to the Commission that in pursuance of said waiver a hearing is not necessary, and that the Commission may issue an order granting the application; and it further appearing to the Commission that Northern Electric Railway Company has secured the necessary permit or franchise from the said city of Chico for the construction of its track upon 9th street; and it further appearing that it is not reasonable nor practicable to avoid grade crossing at the proposed point of crossing of Northern Electric Railway Company with Southern Pacific Company on 9th street in the said city of Chico, and that said application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED that permission be hereby granted to Northern Electric Railway Company to construct its track at grade across the tracks of Southern Pacific Company on 9th street between Orange street and Cedar street in the city of Chico, Butte county,

California, in accordance with the map and profile submitted by Northern Electric Railway Company, subject to the following conditions, to-wit:

(1) The crossing frogs for the grade crossings shall be furnished and installed and hereafter maintained in good and first-class condition for the safe operation thereover of trains and cars at the expense of Northern Electric Railway Company.

(2) The contract between Northern Electric Railway Company and Southern Pacific Company of date July 1, 1912, relating to the installation, operation, maintenance and protection of the crossings is approved by the Commission in all things except as to Section 4 of Article VI relating to the stopping of cars and trains at the crossings prior to the installation of an interlocking device, and also as to such provisions in said contract as may not give the Commission full authority to approve plans for and regulate the construction, maintenance, and operation of any such device which may be installed.

(3) Until an interlocking device is constructed at the crossings in accordance with plans which the Commission shall approve and the device placed in operation under an order approving and authorizing the same, issued by the Commission, all trains and cars of both companies party to the crossings shall before passing over same, come to a full stop within two hundred (200) feet thereof and after giving proper signals shall pass over same under full control.

(4) Any interlocking device which may hereafter be constructed either in accordance with the contract between Southern Pacific Company and Northern Electric Railway Company or under an order by the Commission shall be approved by the Commission under its order before it shall be placed in operation. Such interlocking device shall be maintained and operated subject to such rules and regulations as the Commission may issue governing in such matters.

(5) The terms and conditions specified in this order relating

to said crossings and protection thereof shall hereafter be subject to such further revision and modification as to this Commission may seem right and proper and this Commission reserves the right to revoke its permission, if, in its judgment, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 20th day of July, 1912.

H. D. Loveland

W. G. Gordon

Edwin O. Edgerton

Commissioners.