

Decision No. 23850.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
the City of Orland, a municipal corpora-
tion of the Sixth Class, for an order
authorizing the construction of a cross-
ing of a railroad by a street within
said City of Orland.

Application No. 20691.

ORIGINAL

W. E. Johnson, City Attorney, for Applicant.

H. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this application the City of Orland seeks permis-
sion to construct Monterey Street at grade across the main line
track of Southern Pacific Company in the northerly part of said
city.

A public hearing was held in this matter by Examiner
Hall at Willows, April 27, 1937.

The City of Orland is located in the west side of
Sacramento Valley and in the County of Glenn. The city is laid
out in rectilineal form with its streets running east and west,
and north and south. The west side main line of Southern Pacific
Company runs through the city in a northerly and southerly
direction. The track and right of way of the railroad are
parallel to the north and south streets of the city.

The through highway (U.S.99W) between Woodland and Red
Bluff is adjacent to and west of the railroad right of way, as it
enters the city from the north.

The following tabulation shows the crossings in Orland
from south to north:

Street	Distance between Crossings	Crossing Number	Protection
Colusa Street		AE-165.4	1 Wigwag
Walker Street	400 ft.	AE-165.5	1 Wigwag
Tehama Street	800 ft.	AE-165.7	1 auto. bell
Monterey Street (Proposed)	900 ft.	M.P. 165.9)	

Monterey Street, an east and west street in the northerly part of the city, extends easterly from the railroad approximately four city blocks to the grounds of the Union High School. It is proposed in this application to open Mission Street across the right of way and track to a connection with the State highway (U.S.99W), which is adjacent to the west right of way line of the railroad. Monterey Street does not extend west of the State highway.

Applicant contends that there is need for an outlet to the State highway at the northerly end of the city, due to the following facts:

1. Many students attending the Union High School reside at points north of the city.
2. Residents in the northeast part of the city need a more direct outlet to the north.
3. The present routes across the railroad through the congested portion of the city are unsatisfactory (Tehama Street or the Walker Street crossings).
4. The State highway (U.S.99W), is the only outlet to the north and therefore vehicles from and to the east of the tracks and originating at or destined to points north of the city must go south through the congested portion of the city to reach the State highway.

West of and adjacent to the Union High School is located a Memorial Building and City Park. Many events take place in the Memorial Hall, both day and evenings, and patronage, to a considerable extent, is drawn from the north of the city. There is an industry located on the southside of Monterey Street, adjacent to the railroad right of way. This industry makes ice and oil deliveries through the territory north of the city and a crossing at the proposed location would be a material benefit to it.

Southern Pacific Company opposed the granting of the application on the ground that an additional crossing in Orland is unnecessary as in its opinion there are sufficient now in use to care for the traffic flow.

It is readily apparent that a crossing as proposed at Monterey Street would be a convenience and necessity, not only to the residents of the northeast section, but also for users of the Union High School and the Memorial Building.

The three grade crossings of Orland, if properly spaced, would take care of the city's needs, but on the other hand these grade crossings have been established many years and the city's business and industries have grown up adjacent to them and none of them could be closed without undue hardship to these businesses.

The rail traffic over the crossing consists of three daily passenger trains each way and, in addition, two westbound passenger trains on Sundays and holidays. The train schedules also show two mixed trains each way per week. In addition, extra freight trains and engines switching operate over the proposed crossing. The view of these approaching trains is somewhat obscured by industry buildings at the southeast corner and by trees at the northeast corner of the proposed crossing. In view

of these facts, special protection should be provided in the event the crossing is opened to traffic. Applicant is agreeable to bearing the cost of construction of the crossing and the cost of installing protection.

A review of the record clearly shows that public convenience and necessity require the opening of Monterey Street at grade across the tracks of Southern Pacific Company, as applied for, and it will be so ordered.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been submitted and being now ready for decision,

IT IS HEREBY ORDERED that the City of Orland, in the County of Glenn, State of California, is hereby authorized to construct Monterey Street at grade across the track of Southern Pacific Company at the location more particularly described in the application and as shown by the map (Exhibit "A") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. AE-165.9.
- (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 outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside 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 ninety (90) degrees to the railroad, and with grades of approach not greater than four (4) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

- (4) Two Standard No. 3 wigwag signals shall be installed at the sole expense of applicant. Their maintenance thereafter shall be borne at the sole expense of Southern Pacific Company.
- (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 14th day of June, 1937.

William A. Dwyer
Leon C. Wheeler
James R. Dwyer
Robert A. Dwyer
Ray L. Kiley
 Commissioners.