

Decision No. 85394**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Butte)
 for an order authorizing construction)
 of Baggett-Marysville Road relocation)
 across WESTERN PACIFIC RAILROAD) Application No. 56096
 COMPANY at Kusel Overhead elimination) (Filed November 28, 1975)
 of crossing at grade, MP4-202.7 and)
 construction of road across SOUTHERN)
 PACIFIC TRANSPORTATION COMPANY's)
 Oroville branch line right of way.)

O P I N I O N

The County of Butte requests authority to relocate Baggett-Marysville Road across the main line tracks of The Western Pacific Railroad Company and to construct a new at-grade crossing over the Oroville Branch Line of the Southern Pacific Transportation Company near Oroville in Butte County.

The proposal of the County of Butte will allow closure of the existing grade crossing of Baggett-Marysville, Crossing No. 4-202.7, located at the throat of The Western Pacific Railroad Co. Oroville Yard and reroute the present traffic over the existing Kusel Road overpass at Crossing No. 4-201.5-A. This proposal will require a new at-grade crossing over the Oroville Branch line of the Southern Pacific Transportation Company to connect the relocated Baggett-Marysville Road with Lincoln Boulevard, a major north-south road which lies easterly of the railroad tracks.

The County of Butte is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the County of Butte approved the project and on December 23, 1975 filed a Notice of Determination with the Butte County Clerk which found that "The project will not have a significant effect on the environment."

Notice of the application was published in the Commission's Daily Calendar on December 2, 1975. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration the Commission finds:

1. Applicant should be authorized to construct Baggett-Marysville Road at grade across the tracks of the Southern Pacific Transportation Company's Oroville Branch Line and to abandon and physically close the existing Baggett-Marysville Road crossing of The Western Pacific Railroad Company, Crossing No. 4-202.7, near the City of Oroville, Butte County, at the location and substantially as shown by plans attached to the application.
2. Construction costs of the project should be borne in accordance with agreements to be entered into between the parties relative thereto.
3. Maintenance of the crossing should be in accordance with General Order No. 72-B.
4. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plans set forth in the application and should comply with applicable rules and general orders of the Commission.
5. The Commission has considered applicant's Negative Declaration and Notice of Determination and finds with reasonable certainty that this project will not have a significant effect on the environment.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The County of Butte is authorized to relocate Baggett-Marysville Road at grade across the tracks of the Southern Pacific Transportation Company's Oroville Branch Line near the City of Oroville in Butte County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing No. CA-144.8.

2. Construction of the grade crossing shall be equal or superior to Standard No. 1 (General Order No. 72-B).

3. Width of the crossing shall be not less than 32 feet and grades of approach not greater than one percent.

4. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.

5. Crossing protection shall be two Standard No. 1-R crossing signs (General Order No. 75-C).

6. Construction expense of the project shall be borne in accordance with agreements to be entered into between the parties relative thereto, and a copy of said agreements, together with plans of the project approved by the railroads shall be filed with the Commission. Should the parties fail to agree, the Commission will apportion the cost of the construction project by further order.

7. Maintenance of the crossing shall be in accordance with General Order No. 72-B.

8. Upon completion and opening of the new grade crossing to traffic, the existing Baggett-Marysville Road grade crossing, No. 4-202.7, shall be abandoned and physically closed.

9. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 27th
day of JANUARY, 1976.

~~William L. Stanger~~

President
William L. Stanger

W. Ross

W. Ross

Commissioners