

Chapter 763

Railroad Crossings

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CASE CITATIONS: *Sisters of St. Mary, Inc. v. City of Beaverton*, (1970) 4 Or App 297, 478 P2d 412.

LAW REVIEW CITATIONS: 1 WLJ 203.

763.020

ATTY. GEN. OPINIONS: Authority of commissioner to order erection of signs when highway is relocated, 1960-62, p 101.

763.030

NOTES OF DECISIONS

Only after a hearing has the commission authority to make the orders authorized by this section. *Northern Pac. Ry. v. Pub. Serv. Comm.*, (1930) 47 F2d 778.

ATTY. GEN. OPINIONS: Commissioner's authority regarding alterations, 1960-62, p 102; commissioner's authority to order stop signs, 1960-62, p 102.

LAW REVIEW CITATIONS: 1 WLJ 207.

763.040

NOTES OF DECISIONS

The commissioner has no authority, without a hearing, to compel a railroad, by merely ratifying the action of a county, to pay a proportion of the expense of the elimination of grade crossings incident to the relocation of a highway. *Northern Pac. Ry. v. Pub. Serv. Comm.*, (1930) 47 F2d 778.

A statute authorizing a railroad to cross above the streets of a city does not contemplate an obstruction dangerous to those making ordinary use of the highway. *Krause v. So. Pac. Co.*, (1931) 135 Or 310, 295 P 966.

FURTHER CITATIONS: *Union Pac. R.R. v. Hill*, (1960) 220 Or 591, 349 P2d 1090.

763.050

CASE CITATIONS: *Union Pac. R.R. v. Hill*, (1960) 220 Or 591, 349 P2d 1090.

763.080

ATTY. GEN. OPINIONS: Commissioner's authority regarding alterations, 1960-62, p 102.

LAW REVIEW CITATIONS: 1 WLJ 208.

763.170

NOTES OF DECISIONS

This section does not contain implicit authority for commissioner to apportion costs between railroad and county. *Union Pac. R.R. v. Hill*, (1960) 220 Or 591, 349 P2d 1090.

This section was constitutional. *Id.*

This section provides that only the commissioner, and not cities, may determine if a grade crossing is dangerous. *Brown v. Spokane, Portland & Seattle Ry.*, (1967) 248 Or 110, 431 P2d 817.

FURTHER CITATIONS: *Southern Pac. Co. v. Heltzel*, (1954) 201 Or 1, 268 P2d 605.

LAW REVIEW CITATIONS: 40 OLR 260.