

ORIGINAL

Decision No. 18105

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application) of SEARS POINT TOLL-ROAD CO.,) a corporation, for permission) to construct a toll-road across) the tracks of NORTHWESTERN PAC-) IFIC RAILROAD COMPANY, near) Sears Point, Sonoma County,) California.)	Application No. 13519.
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BY THE COMMISSION:

O R D E R

Sears Point Toll-Road Company filed the above entitled application with this Commission on the 3rd day of February, 1927, asking for authority to construct a public toll road at grade across the tracks of the Northwestern Pacific Railroad Company near Sears Point, Sonoma County, as hereinafter set forth. Said Northwestern Pacific Railroad Company and said Sears Point Toll-Road Company have entered into an agreement, dated October 19th, 1926, (Exhibit E), covering the construction of said crossing. The Board of Supervisors of Sonoma County, on May 24th, 1926, authorized the Sears Point Toll-Road Company to take real property for the construction of said road and appointed Commissioners to lay out that portion of the road within the limits of the County of Sonoma and said Board of Supervisors, on June 14th, 1926, approved the report of said Commissioners. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said tracks at the point mentioned in this application, and that this application should be

granted, subject to the conditions hereinafter specified, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Sears Point Toll-Road Company to construct a/^{public}toll road at grade across the tracks of the Northwestern Pacific Railroad Company at the location hereinafter particularly described and as shown by the map (Exhibit "C") attached to the application.

Description of Crossing

All that portion of the Northwestern Pacific Railroad right-of-way located at or near Sears Point Station of said railroad at Sears Point, Sonoma County, California, on the Ignacio Schellville branch of said Railroad, included within a strip of land 30 feet in width, being 15 feet each side of the following described center line, and said center line produced easterly and westerly:

Beginning at Engineers station 538 + 12.50 of the located center line of the Sears Point toll-road which bears S. 12° 23' 15" E. 2310.87 feet distant, from corner No. 236 of Petaluma Rancho, said corner being the one described by that number in the survey of Petaluma Rancho, as surveyed under instructions of the U. S. Surveyor General, by C. C. Tracy, U. S. Deputy Surveyor, March, 1860, and now appearing of record on Page 14 of Book No. 8 of Maps, Sonoma County Records, said point of beginning being on the Westerly line of the aforementioned Northwestern Pacific Railroad right-of-way; thence N. 65° 48' E. 80.00 feet, along the aforementioned located center line of the Sears Point toll-road, to the easterly line of the aforementioned Northwestern Pacific Railroad right-of-way.

The above crossing shall be identified as Crossing No. 5 H-33.4.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of said crossing, including the cost of maintaining the necessary protective devices, shall be borne by applicant.

(2) The crossing shall be constructed of a width 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 substantially in accordance with Standard No. 3 as specified in General Order No. 72 of this Commission; shall be protected by two suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) An automatic flagman shall be installed and maintained for the protection of said crossing. Said automatic flagman shall be of a type and installed in accordance with plans or data approved by the Commission.

(4) If existing side track is left at its present location, said track shall be raised to same elevation as main track at the point of crossing.

(5) If existing side track is left at its present location, no cars shall be spotted thereon within fifty (50) feet of the ends of said crossing.

(6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(7) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(8) The existing publicly used crossing, located about eighty-five (85) feet northerly of the crossing herein granted, shall be abandoned and effectively closed when the crossing herein authorized is constructed and open to public use.

(9) 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, the public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 25th day of March, 1927.

Edward
H. B. Wendig
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Thomas B. Rowlett

Commissioners.