

ORIGINAL

Decision No. 18370.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application
of County of Mendocino for permis-
sion to construct a grade crossing
across Northwestern Pacific Rail-
road in Calpella, Mendocino County.

Application No. 13375.

Lilburn Gibson, District Attorney for Applicant.
J. J. Deuel, for California Farm Bureau Federation.
T. F. Allen, for Northwestern Pacific Railroad
Company.

WHITSELL, COMMISSIONER:

O P I N I O N

This is an application filed with the Commission on December 8th, 1926, in which Mendocino County seeks permission to construct a crossing at grade across the Northwestern Pacific Railroad Company's main track at Moore Street in the Town of Calpella and to close two existing crossings, one at Hopkins Street, located one block south of Moore Street, and the other crossing on the Redwood Valley Road about one-half mile north of Calpella. For convenience these three crossings are referred to in the application and on the map attached thereto as crossings "B" (Moore Street), "C" (Hopkins Street) and "A" (Redwood Valley Road) respectively.

On January 6th, 1927, in Decision No. 17850, this Commission, by ex parte order, granted applicant permission to construct the crossing at "B" subject to certain restrictions among which were conditions requiring that the crossings at "A" and at "C" be closed to public use and travel.

On February 1st, 1927, the California Farm Bureau Federation, through Mr. J. J. Deuel, Manager, filed an informal request that before the Order of the Commission, as specified in Decision No. 17850, be carried out, that the matter be reopened for public hearing in order that interested parties living in Redwood Valley who objected to the closing of the crossing at "A" might have an opportunity to appear and be heard.

Accordingly the Commission on February 2nd, 1927, made an order setting aside Decision No. 17850 and reopened the matter for hearing and determination. A public hearing was held on March 5, 1927 in the Court House at Ukiah, Mendocino County, at which time the matter was submitted.

At the hearing counsel for applicant stated that the county desired to modify its application to request an opening of the crossing at "B", to offer no objection to the continuance of a crossing at "A" and to close the crossing at "C". This plan was satisfactory to both the Farm Bureau and to the railroad company and it was thereupon stipulated by all parties that it would be satisfactory to settle the matter on that basis. However, it was brought out by the Commission's engineer that it would be necessary to maintain the crossing at Hopkins Street (Crossing "C") as a private crossing for the benefit of the residents of one house situated between the railroad and the river. As the crossing is to be continued solely as a private crossing it should be equipped with gates. The following form of order is recommended.

O R D E R

Public hearing having been held on the above entitled

proceeding, the Commission being apprised of the facts, the matter being under submission and now ready for decision,

It is hereby found as a fact that public convenience and necessity require the establishment of a public crossing at grade at Moore Street (Crossing "B") in the Town of Calpella, the continuance of the existing public crossing on the road leading to Redwood Valley about one-half mile north of Calpella (Crossing "A") and the establishment of a private crossing with gates at Hopkins Street (Crossing "C") in lieu of the public crossing now in existence at that point, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Mendocino, State of California, to construct a public road, known as Moore Street, at grade across the track of Northwestern Pacific Railroad Company at the location hereinafter particularly described and as shown by the maps and profile attached to the application.

Description of Crossing.

Beginning at a point in the South line of Moore Street in the Town of Calpella, Mendocino County, Calif., distant 50 feet Westerly from the center line of the N.W.P.R.Co. right-of-way, as at present fenced, said point of beginning being 145 feet Easterly of the South East corner of Moore Street and the California State Highway; thence northerly parallel with, and distant 50 feet from the said center line to the North line of Moore Street; thence Easterly along the North line of said Moore Street 100 feet more or less to the East line of said Right-of-way as at present fenced; thence southerly and parallel with the center line of said Right-of-way to the south line of said Moore Street, and thence Westerly along the South line of Moore Street 100 feet more or less to the point of beginning.

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 that

portion of said crossing up to lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by Northwestern Pacific Railroad Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Northwestern Pacific Railroad Company.

(2) The crossing shall be constructed of a width not less than twenty (20) feet and at an angle of approximately ninety (90) degrees to the railroad and with grades of approach not greater than one (1) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

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

(4) 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.

(5) The existing public crossing serving road at Hopkins Street shall be legally abandoned and effectively closed to public use and travel upon completion of the crossing granted in this proceeding and shall be equipped with gates for use as a private crossing.

IT IS HEREBY FURTHER ORDERED that the crossing on the Redwood Valley Road, about one-half mile north of Calpella,

designated as Crossing "A" in the application, shall remain open to public use and travel as long as the County bridge is maintained across the river to serve this road.

The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of all of said crossings 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 foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

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

Dated at San Francisco, California, this 17th day of May, 1927.

Ernest J. Smith
H. B. Brundage
C. Seaver
Leon White
Thos. L. Hottel
Commissioners.