

Decision No. 19621.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of the COUNTY OF SONOMA, STATE OF CALIFORNIA, a body politic, for permission to lay out, construct and maintain a Public Road across the tracks and right of way of the SOUTHERN PACIFIC COMPANY, a corporation, at grade.

Application No. 14,512.

BY THE COMMISSION:

ORDER

The County of Sonoma, State of California, through Chairman of its Board of Supervisors, filed the above entitled application with this Commission on the 17th day of March, 1928, asking for authority to construct a public road known as Eucalyptus Drive or Nordwell Avenue at grade across the track of the Santa Rosa Branch of Southern Pacific Company, in the vicinity of Boyes Springs as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to the construction of said crossing at grade, and 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 track 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 Board of Supervisors of the County of

Sonoma, State of California, to construct a public road known as Eucalyptus Drive or Nordwell Avenue at grade across the track of Santa Rosa Branch of Southern Pacific Company at the location hereinafter particularly described and as shown by the map attached to the application.

Description of Crossing

BEGINNING at the Southwest corner of Lot 13 Block 1 of Eaton Park Subdivision, being in the Easterly line of the Southern Pacific Railroad right of way. Thence from said point of beginning S 66° 45' W 60 feet to the Westerly line of said railroad right of Way; Thence Southeasterly along said right of way 40 feet Thence N 66° 45' E 60 feet to the Easterly line of said right of way and the Northwest corner of Lot 10 of Block 12 of said Eaton Park Subdivision Thence Northwesterly along said right of way to the point of beginning. Being a continuation of Nordwell Ave as said Avenue is shown on Eaton Park Subdivision which is recorded in Book 28 page 15 of Maps, Sonoma County Records.

The above crossing shall be identified as Crossing No. AC-54.6.

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 those portions of ^{said} crossing outside of 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 Southern Pacific Company. No portion of the initial cost herein assessed to applicant for the construction of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of about eighty-three (83) degrees to the railroad and with grades of approach not greater than two (2) 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 Standard

No. 1 crossing sign as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) Prior to the construction of this crossing, eucalyptus trees along the north lines of Lots 28, 29 and 30 of Block 18 of the Sonoma Vista Tract shall be removed.

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

(5) 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.

(6) 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 17th day of April, 1928.

Leon White
O. S. Seaman
Donald S. Hart
M. A. C.
 Commissioners.