

Decision No. 40095

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of  
Northwestern Pacific Railroad Com-  
pany for an order authorizing the  
construction at grade of a spur  
track across State Highway in the  
Town of Hopland, County of Mendocino,  
State of California.

Application No. 14812.

**ORIGINAL**

BY THE COMMISSION:

O R D E R

Northwestern Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 25th day of June, 1928, asking for authority to construct a spur track at grade across State Highway, Route 16, erroneously designated as County Road in the title of this application, in the Town of Hopland, County of Mendocino, State of California, as hereinafter set forth. A franchise or permit has been granted by the Board of Supervisors of said County for the construction of said crossing at grade. 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 at the point mentioned in this application with said County Road at the present time 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 Northwestern Pacific Railroad Company to construct a spur track at grade across State Highway, Route 16, in the unincorporated Town of Hopland, County of Mendocino, State of California, at the location shown by the map (C.E.-100-B) attached to the application.

The above crossing shall be identified as a portion of Crossing No. 5-99.9-C.

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

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed in accordance with type shown as Standard No. 3-A, without concrete header, in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said highway now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding three (3) per cent; shall be protected by a 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 thereover of vehicles and other road traffic.

(3) No train, engine or car shall be operated over said crossing unless said train, engine or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(4) Applicant shall not use the granting of this application either by way of defense or argument on the ground of capital expenditure or in any way against any order of the Commission hereinafter made providing for the separation of grades

of the tracks of the applicant and State Highway.

(5) This application is granted on the express condition that, if and when a grade separation is constructed under or over the tracks of applicant, it will bear the entire excess cost of said grade separation caused by the installation of the spur track, in addition to whatever cost is assessed to the applicant in constructing that portion of grade separation over its main line.

(6) Northwestern Pacific Railroad Company and the owner, or owners, of the lands on which the proposed track is to be constructed, and the owner, or owners, of the industry for whose benefit these crossings are authorized shall, before actual construction of said crossing is undertaken, file with this Commission a stipulation, or stipulations, containing provisions that, upon payment to them of a reasonable portion of the cost of constructing said crossing and track, permission will be granted by them to such other person, persons or corporation as may desire to use said track, the right to operate over same and the right to construct a track across such portions of said owners' lands, at a reasonable rental, as may be necessary to reach the property or business of such other person, persons or corporation, and the right to operate cars over same.

(7) This application is granted with the further condition that applicant will make no further application or applications for tracks across Highway Route 16, between the Russian River, located east of the main line, and the intersection of said Route 16 with the State Highway Route 1, except adjacent to the main line track.

(8) Before commencing construction, applicant shall file with this Commission a certified copy of permit from the Department of Public Works, Division of Highways, State of

California, approving the construction of said crossing.

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

(10) 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.

(11) 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 7<sup>th</sup> day  
of July, 1928.

C. S. ...

W. B. ...

Commissioners.