

Decision No. 23052.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of
 NORTHWESTERN PACIFIC RAILROAD COMPANY
 for an order authorizing construction
 at grade of a spur track across a
 portion of Hopper Street, in the City
 of Petaluma, County of Sonoma,
 State of California.

ORIGINAL
 Application No. 16949.

BY THE COMMISSION:

O R D E R

Northwestern Pacific Railroad Company, a corporation, filed the above entitled application with this Commission on the 10th day of October, 1930, asking for authority to construct a spur track at grade across a portion of Hopper Street in the City of Petaluma, County of Sonoma, State of California, as hereinafter set forth, and for authority to construct a portion of this spur track at a distance of 7-1/2 feet southerly from the northerly line of said Hopper Street instead of 10 feet from said line, as prescribed in Section 2(c) of the Commission's General Order No. 26-C. The necessary franchise or permit (Resolution No. 3943) has been granted by the City Council of said City for the construction of said crossing at grade and applicant files with the application a letter from the Secretary of the Joint Pole Association consenting to the location of the track as proposed and to a waiver of said provision of General Order No. 26 C. 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 Hopper Street 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 a portion of Hopper Street in the City of Petaluma, County of Sonoma, State of California, at the location shown by the map attached to the application.

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 shall be borne by applicant.
- (2) Said crossing shall be constructed to conform with the established grades of said Hopper Street and in such a manner that it can be made suitable for the passage thereover of vehicles and other road traffic in the event a roadway shall hereafter be authorized along said street.
- (3) This order is made upon the express condition that Hopper Street is not now actually constructed and open to travel at the point of crossing, and said order shall not be deemed an authorization for the construction of an opening of said street to public use across said railroad track.
- (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.

IT IS HEREBY FURTHER ORDERED that applicant be and it is hereby authorized to construct a spur track, the center of which is located 7-1/2 feet southerly from the northerly line of Hopper Street, as shown on the map attached to the application, instead of the distance prescribed in Section 2 (c) of the Commission's General Order No. 26-C.

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

Dated at San Francisco, California, this 6th day of November, 1930.

[Signature]
[Signature]

[Signature]

Commissioners.