

ORIGINALDecision No. 73605

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,
 Department of Public Works, for an order
 authorizing construction of a crossing
 at separated grades and a crossing at
 grade over the tracks of the Northwestern
 Pacific Railroad Company and elimination
 of two existing crossings at grade across
 the tracks of the Petaluma and Santa Rosa
 Railroad Company, in connection with the
 improvement of State Route IV-Son-51-C, SRo
 in Sonoma County, referred to as "South
 Santa Rosa Overhead."

Application 44042
 (Filed December 7, 1967)

ORDER MODIFYING DECISION NO. 63269

By Decision No. 63269, dated February 13, 1962, State of California, Department of Public Works, the applicant was, among other things, granted authority to construct a new grade separation to be identified as Crossing No. 5-53.5-A and a new grade crossing to be identified as Crossing No. 5-53.2-C over tracks of the Northwestern Pacific Railroad Company and to abolish, by physical closing, two public grade crossings identified as Crossing No. 67B-19.6 at Merced Avenue and 67B-21.1 at Brittain Lane and two private grade crossings at MP 20.7 and MP 21.4 over the track of The Petaluma and Santa Rosa Railroad Company in Sonoma County. The order provided that:

"Upon completion as authorized herein, the public grade crossings at Crossing No. 67B-19.6, Merced Avenue and Crossing No. 67B-21.1, Brittain Lane, and the private grade crossings at MP 20.7, Rompelman Road, and MP 21.4, Midway Drive, shall be abolished by physical closing by railroad." (Third from last paragraph of order.)

By Petition for Modification filed December 7, 1967, State of California, Department of Public Works, requests this Commission to revise its Decision No. 63269 to the extent necessary to allow the public grade crossing at Merced Avenue, Crossing No. 67B-19.6 to remain open.

The applicant alleges that at the time the application was filed, the Merced Avenue (Crossing No. 67B-19.6) was included within the project limits of the freeway project. However, before the construction of the freeway project was completed the County of Sonoma requested the applicant to reduce the limits of its construction project whereby the freeway construction did not extend westerly of Merced Avenue. Future freeway construction in a westerly direction will require closing of the Merced Avenue crossing.

IT IS HEREBY ORDERED that the applicant is relieved of a portion of the conditions imposed upon it in the following manner:

The above quoted third from last paragraph of Decision No. 63269 is hereby modified to read as follows:

"Upon completion as authorized herein, the public grade crossing at Crossing No. 67B-21.2, Brittain Lane, and the private grade crossings at MP 20.7, Rompelman Road, and MP 21.4, Midway Drive, shall be abolished by physical closing by railroad."

Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within one year unless time be extended or if above conditions are not complied with. Authorization

may be revoked or modified if public convenience, necessity or safety so require.

In all other respects, Decision No. 63269 shall remain in full force and effect.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of JANUARY, 1968.

[Signature]
 President

[Signature]

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 Commissioners