



rather than the authorization of a new undergrade crossing. This trestle is about thirty feet high at the crossing and the road is carried beneath the trestle between two bents so that there is a horizontal clearance of approximately fifteen feet. The applicant desires to substitute for that part of the trestle over the new highway, a steel structure with a vertical clearance of fifteen feet and a horizontal clearance of twenty-four feet to accommodate a roadway of greater width than the existing road. It was shown that at present the existing opening is inadequate for the State Highway.

Applicant's estimate of the cost of the structure proposed was \$9,600 and it stated that it had negotiated with the railroad in June 1922 on the following proposed division of cost:

3/8 to the Northwestern Pacific Railroad or	\$3,600
3/8 to Marin County, or	3,600
1/4 to State, or	<u>2,400</u>
Total	\$9,600

Upon this suggested division the railroad is opposed to paying anything but the Board of Supervisors of Marin County agreed to pay the proportion set forth above as chargeable to the county. The railroad proposed that instead of constructing a steel structure, as proposed by applicant, that the existing timber structure be altered to provide the clearances required. After some discussion by the engineers of applicant, the railroad and the Commission, the first hearing adjourned with the understanding that they would endeavor to form some agreement as to the most satisfactory type of new structure and present a report to the Commission, together with an estimate of the cost.

Following adjournment the Commission received a copy of a letter written by the railroad to the applicant suggesting

that the existing timber structure be altered to provide the necessary clearance, as above indicated, and that if the applicant would agree to bear the cost, not to exceed two thousand dollars, the railroad would relieve the applicant of further expense in connection with this existing structure. At the second hearing this understanding was verified and it was agreed between the applicant and the railroad that if the applicant were to pay to the railroad the cost of reconstructing the trestle to provide a twenty-four foot horizontal clearance and fourteen foot vertical clearance such cost not to exceed two thousand dollars, the railroad would make the change and relieve the applicant of further expense of any kind at this crossing. Applicant's Exhibit 9 is a form of agreement, in writing, of this understanding.

If the existing structure is altered in conformity with this form of agreement in lieu of constructing a steel structure originally proposed by applicant, applicant will be permanently provided with an opening with sufficient and proper clearance at a cost not to exceed two thousand dollars, which probably is less than its proportion of substituting the steel structure would amount to. There appears no objection to an order based upon these circumstances.

Applicant stated that it is desirous of changing the structure by September 1, 1923 while the railroad sought to have the date of completion made thirty days later. Completion by September 1 appears reasonable and should be made a part of the order.

#### O R D E R

The People of the State of California on relation of the Department of Public Works having made application for an order authorizing the alteration of an existing overgrade crossing and dividing the cost thereof, public hearings having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

