

Decision No. 21170.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of
The People of the State of California,
on relation of the Department of
Public Works, Division of Highways,
for an order authorizing the con-
struction of a State Highway crossing
over the main line of the North Western
Pacific Railroad, near Alto, Marin
County, California.

Application No. 15,512.

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, Division of Highways, filed the above entitled application with this Commission on the 27th day of March, 1929, asking for authority to construct a State Highway known as Road IV-Mrn.-52-A overhead across the tracks of the Northwestern Pacific Railroad Company in the vicinity of the Station of Alto, County of Marin and to close the present subway designated as Crossing No. 5C-10.9B as hereinafter set forth.

Said Northwestern Pacific Railroad Company has signified by letter that it has no objection to the construction of said overhead crossing and the Board of Supervisors of the County of Marin on May 20th, 1929, passed its resolution approving the closing of said present subway designated as Crossing No. 5C-10.9B.

It appears to the Commission that this is not a matter in which a public hearing is necessary, 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 People of the State of California, on relation of the Department of Public Works, Division of Highways, to construct State Highway designated as Road IV - Wm.-52-A overhead across the tracks of the Northwestern Pacific Railroad Company at the location as shown by the map (Exhibit A) attached to the application.

The above crossing shall be identified as Crossing No. 5C-10.7A.

Said crossing shall be constructed subject to the following conditions:

(1) Said overhead crossing shall be constructed with clearances in accordance with the provisions of this Commission's General Orders No. 26-C and No. 64-A.

(2) The cost of construction and maintenance of said ~~under~~^{overhead} ~~grade~~ crossing shall be borne in accordance with an agreement or agreements to be hereinafter entered into by the interested parties, fully executed copy or copies of said agreement or agreements shall be filed with this Commission for its approval, within sixty (60) days from the date hereof. In the event an agreement cannot be reached by the interested parties, this Commission will apportion costs of construction and maintenance by subsequent order. W.M.

(3) Applicant shall, before commencement of construction, file with this Commission a complete set of detailed plans of the proposed grade separation. Said detailed plans to be approved by the Northwestern Pacific Railroad Company.

(4) The existing undergrade crossing located approximately six hundred (600) feet easterly of the grade separation herein authorized and designated as Crossing No. 5C-10.9B shall be legally abandoned and effectively closed to use and travel

upon the completion of the grade separation authorized herein.

(5) Applicant shall, within thirty (30) days thereafter notify this Commission in writing of the completion of the installation of said overgrade crossing and the closing of Crossing No. 5C-10.9B

(6) If said overgrade 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.

For all other purposes the authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 28th day of May, 1929.

Thos D. Lunt
C. S. Weaver
Edmund A. Holt
Leon C. Whaley
M. J. Cas
Commissioners.