

Decision No. 21657.

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 construction of a  
State highway overgrade crossing over  
the tracks of the Northwestern Pacific  
Railroad two and one-half miles south  
of San Rafael, Marin County, known as  
Green Brae overgrade crossing.

ORIGINAL

Application No. 15908.

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 the Commission of the 28th day of August, 1929, asking for authority to construct a State highway known as Road IV-Mrn-1-C, at separated grades over the tracks of Northwestern Pacific Railroad Company two and one-half miles south of the City of San Rafael, Marin County, as hereinafter set forth. Said Northwestern Pacific Railroad Company has signified by letter that it has no objection to the construction of said overgrade crossing and it appears to this Commission that the present proceeding is not one 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 granted to The People of the State of California, on relation of the Department of Public Works, Division of Highways, to construct State Highway, known as Road IV-Mrn-1-C, overhead across the tracks of 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. SE-13.98-A.

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

(1) Said overhead crossing shall be constructed with clearances in accordance with the provisions of General Orders Nos. 26-C and 64-A.

(2) The cost of construction and maintenance of said overhead 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.

(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 Northwestern Pacific Railroad Company.

(4) Upon completion of construction of said grade separation and its opening to public use, the existing crossing at grade adjacent to said grade separation, and identified as Crossing No. 5E-14.0, shall be legally abandoned and effectively closed to traffic.

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

(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 4th  
day of October, 1929.

David L. Lott

Clarence

Edward G.

Leon A. L.

M. A. L.