

Decision No. 22766

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 crossing at grade over the tracks  
of the Northwestern Pacific Railroad, in  
the vicinity of Tiburon, Marin County,  
California.

Application No. 16680.

**ORIGINAL**

BY THE COMMISSION:

ORDER

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 25th day of June, 1930, for permission to construct State Highway Route No. 52 at grade across the tracks of the Northwestern Pacific Railroad Company in the vicinity of Tiburon, Marin County, California.

Field inspection has been made and conference has been held at which were represented the applicant, the Northwestern Pacific Railroad Company and this Commission. An agreement has been reached by the interested parties concerning the terms of installation and maintenance of the crossing. By this agreement, it is understood that the grade crossing will be replaced by a grade separation within two and one-half years from the date of this order; that the Department of Public Works, Division of Highways, will bear the entire expense of installing

the grade crossing applied for herein and providing protection; that the railroad will bear the expense of maintenance of the crossing and protection, and that the state is to commence the construction of an overhead crossing within two (2) years from the date of this order at a location immediately east of the proposed grade crossing.

It was understood between the applicant and the railroad that when the application is filed with the Commission for the overhead crossing, seeking an order authorizing and apportioning the cost of the same, it will be urged that the division of cost be apportioned on a basis of a new crossing and as though the proposed new grade crossing did not exist.

It appears to the Commission that this is not a matter in which a public hearing is necessary and that the understanding reached between the interested parties is not unreasonable, therefore

IT IS HEREBY ORDERED that permission and authority be and the same 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 Route No. 52 at grade across the tracks of the Northwestern Pacific Railroad Company in the vicinity of Tiburon, Marin County, at a location shown by the map (IV-Mrn. 52-A, Sheet No. 1) attached to the application.

Said crossing shall be designated in the Commission's records as Crossing No. 5-7.3 and shall be constructed subject to the following conditions:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside

of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Northwestern Pacific Railroad Company.

(2) The crossing shall be constructed of a width to conform to the proposed highway construction and at an angle and with grades of approach as shown by the map attached to the application. The crossing shall be constructed substantially in accordance with Standard No. 2-B, as specified in General Order No. 75 of this Commission.

(3) The crossing shall be protected by two Standard No. 3 wigwags as specified in General Order No. 75 of this Commission with control circuits connected to the main line track and arranged to eliminate unnecessary operation of the signals in so far as practical to do so. The cost of installation of such signals shall be borne by applicant and the expense of maintenance thereafter shall be borne by the Northwestern Pacific Railroad Company. When the grade crossing herein authorized is removed, the applicant shall be entitled to the salvage value of the signals and materials removed.

(4) Northwestern Pacific Railroad Company shall issue appropriate instructions to trainmen, requiring that all movements on side track over said crossing shall be preceded by a flagman, and that cars shall not be stored on the side track within 100 feet of the crossing herein authorized.

(5) The side track adjacent to the main line track shall be raised and adjusted so as to provide a smooth highway crossing.

(6) During construction of highway and while work trucks are being operated across tracks of the Northwestern

Pacific Railroad, a human flagman shall be maintained at the crossing at the expense of applicant.

(7) Applicant shall commence construction of an overhead crossing at a location immediately east of the grade crossing herein authorized within two (2) years from the date of this order and the crossing herein authorized shall be effectively closed and abandoned within two and one-half (2½) years from the date of this order.

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

(9) 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.

(10) 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.

The effective date of this order shall be \_\_\_\_\_  
the date hereof.

Dated at San Francisco, California, this 7th day  
of August, 1930.

*Clarence*  
\_\_\_\_\_  
*Frank D. [unclear]*  
\_\_\_\_\_  
*John D. [unclear]*  
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Commissioners.