

Decision No. 26289 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
NORTHWESTERN PACIFIC RAILROAD COMPANY  
and STATE OF CALIFORNIA, on relation  
of the Department of Public Works,  
Division of Highways, for authority  
to exchange certain real property in  
the Town of Sausalito, County of Marin,  
State of California, and for an order  
authorizing Northwestern Pacific Rail-  
road Company (a) to relocate its  
freight house and freight platform,  
and (b) to construct at grade of street  
or highway a spur track to serve the  
freight house and platform in its new  
location.

ORIGINAL

Application No. 19052.

BY THE COMMISSION:

O R D E R

Northwestern Pacific Railroad Company and State of California, on relation of the Department of Public Works, Division of Highways, on August 14, 1933, applied to the Commission for authority to exchange certain real estate in the Town of Sausalito, Marin County, and for an order authorizing Northwestern Pacific Railroad Company (a) to relocate its freight house and freight platform and (b) to construct a spur track at grade across the new location of State Highway to reach said freight house and freight platform in its new location.

The Division of Highways is about to construct, through the northerly portion of Sausalito, its State Highway Route No. 1 along a new location adjacent to and west of the right of way of Northwestern Pacific Railroad Company. This new location of the

Highway passes through the land occupied by the Railroad Company's freight house in the vicinity of Johnson Street and west of the main line tracks. It is proposed to move said freight house to a location bounded by Litho Street, Bee Street, Caldonia Avenue and the new State Highway, that the Railroad will convey to the State, title to the land occupied by said freight house and that the State will convey to the Railroad the land to be occupied by the freight house in its new location. In order to serve the freight house in its new location it will be necessary to construct a spur track at grade across the proposed location of the State Highway.

It appearing that public convenience and necessity will be reasonably served by the plan proposed by applicants, that a public hearing is unnecessary in this matter and that the application should be granted,

IT IS HEREBY ORDERED that Northwestern Pacific Railroad Company is hereby authorized:

I. To sell to the State of California, on relation of the Department of Public Works, Division of Highways, in accordance with the terms of a proposed agreement, a copy of which is attached to and made a part of the application, those certain parcels of property in Block 8, in the Town of Sausalito and more particularly shown in yellow outline on the map (Marked N.W.P. Drawing No. 1789, Sheet 1) attached to the application, subject to the following conditions:

- (1) Said transfer shall be made substantially in accordance with the terms of the copies of proposed agreements attached to the application.

(2) Applicant, Northwestern Pacific Railroad Company, shall, within thirty (30) days, notify this Commission, in writing, of the completion of the transfer herein authorized and file with the Commission a certified copy or copies of agreement or agreements entered into between the parties.

(3) The authorization herein granted shall not be construed as a determination of the value of the property for any purpose other than the transfer herein authorized.

II. To relocate its freight house and platform in the Town of Sausalito from its location as shown in yellow on map (Marked N.W.P. Drawing No. 1788, Sheet 1) attached to the application, to the location shown in red on said map, subject to the condition that within thirty (30) days thereafter applicant shall notify the Commission of relocation of said freight house.

III. To construct a spur track at grade across State Highway (Route 1) in the Town of Sausalito, County of Marin, State of California, at the location as shown by the map (N.W.P. Drawing No. 1788, Sheet 1) attached to the application, subject to the following conditions:

(1) The above crossing shall be identified as Crossing No. 5C-7.1-C.

(2) The entire expense of constructing and maintaining said crossing shall be borne in terms of an agreement entered into between applicants, a certified copy of which shall be filed with the Commission within one-hundred and twenty (120) days from the date hereof. Should said agreement not be filed within the above time and further time not granted by subsequent order, said costs will be apportioned by supplemental order.

(3) Said crossing shall be constructed equal or superior to the type shown as Standard No. 3 in our General Order No. 72 and shall be constructed without superelevation and of a width to conform to that portion of highway to be constructed, with top of rails flush with the pavement and with grades of approach not exceeding three (3) per cent.

