

Decision No. 26319.

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 high-
way a spur track to serve the freight
house and platform in its new location.

Application No. 19052.

APPROVED

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

Applicant, the People of the State of California, on Relation of the Department of Public Works, Division of Highways, on August 25, 1933, advised that an agreement had been reached covering the cost of constructing the spur track authorized in Decision No. 26289, dated August 21, 1933, in this proceeding, and requested that Condition (2) of Subdivision III of the order prescribe how the maintenance of said crossing shall be borne. It appears that a public hearing is not necessary herein and that the request should be granted, therefore

IT IS HEREBY ORDERED that Condition (2) of Subdivision III of Decision No. 26289 be and it is hereby amended to read as follows:

- (2) The entire expense of constructing the crossing shall be borne in accordance with 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 is not granted by subsequent order, said costs will be apportioned by supplemental order. The cost of

maintenance of that portion of said crossing outside of lines two (2) feet outside of the rails shall be borne by the People of the State of California on Relation of the Department of Public Works, Division of Highways. The cost of maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by Northwestern Pacific Railroad Company.

In all other respects Decision No. 26289 shall remain in full force and effect.

Dated at San Francisco, California, this 2nd day of September, 1933.

CL Seamy

W. J. Linn

M. B. Harris

Commissioners.