

Decision No. 19334.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of NORTH-
WESTERN PACIFIC RAILROAD COMPANY for
an order authorizing the construction
at grade of a spur track across Turney
Street in the City of Sausalito, County
of Marin, State of California.

Application No. 19221.

In the Matter of the Application of the
PEOPLE OF THE STATE OF CALIFORNIA, ON
RELATION OF THE DEPARTMENT OF PUBLIC
WORKS, for an order authorizing the con-
struction of a State highway crossing at
grade across a spur track of the North-
western Pacific Railroad, in the City of
Sausalito, Marin County.

Application No. 19070.

BY THE COMMISSION:

O R D E R

The Department of Public Works has under way the construction of a new State highway through the City of Sausalito, which is located immediately south of Northwestern Pacific Railroad Company's main line tracks. This new highway will cross the existing or relocated spur track serving the Theyer Lumber Company, which is located between Turney and Pine Streets, and Caledonia and Northwestern Pacific's right of way, in the City of Sausalito. It is proposed to relocate the lumber company's spur which will involve crossing Turney Street.

In Application No. 19221, Northwestern Pacific Railroad Company seeks authority to cross Turney Street at grade with the relocated spur track, and in Application No. 19070, as amended November 21, 1933, the Department of Public Works asks authority to construct

the highway across the spur track in its new location. The proposed grade crossings involved herein are for the greater part located in the intersection of Turney Street and the new State highway and will hereinafter be referred to as the Crossing.

Application has been made to the City of Sausalito for a permit or franchise for the construction of this spur track across Turney Street and applicant, Northwestern Pacific Railroad Company, states that a certified copy of such permit will be filed with the Commission as soon as obtained. The Railroad has advised the Commission, by letter under date of December 5, 1933, that it is not opposed to the granting of Application No. 19070.

It appearing that the Railroad and the Department of Public Works are in agreement as to the method of effecting the Crossing; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said track at the points mentioned; that a public hearing is not necessary herein and that the applications should be granted,

IT IS HEREBY ORDERED, as follows:

I. That the Northwestern Pacific Railroad Company is hereby authorized to construct its spur track at grade across Turney Street at the location more particularly shown on the map attached to Application No. 19221, and

II. That the People of the State of California, on relation of the Department of Public Works, Division of Highways, are hereby authorized to construct a State highway at grade across a spur track of Northwestern Pacific Railroad Company at the location more particularly shown by the map (Exhibit "A"), attached to Amended Application No. 19070.

The authority herein granted is subject to the following conditions and not otherwise:

- (1) The Crossing shall be identified as Crossing No. 5C-7.04-C.
- (2) The entire expense of constructing the Crossing shall be borne by the Department of Public Works. 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 the Department of Public Works. 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.
- (3) The Crossing shall be constructed of a width of not less than fifty (50) feet and at an angle of approximately thirty (30) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72; shall be protected by two Standard No. 1 crossing signs, as specified in our General Order No. 75-A; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) No train, engine, motor or car shall be operated over said Crossing unless said train, engine, motor or car shall be first brought to a stop and traffic on the highway protected by a member of the train crew or other competent employee acting as flagman.
- (5) The Department of Public Works shall, at its sole expense, install and maintain adequate floodlights at said Crossing, said installation to be approved by this Commission.
- (6) Before undertaking actual construction of the crossing herein authorized, applicant Northwestern Pacific Railroad Company shall file with this Commission a certified copy of a franchise or permit from the City of Sausalito for the construction of said crossing of Turney Street at grade.
- (7) Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said Crossing and of its compliance with the conditions hereof.
- (8) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (9) 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, public convenience and necessity demand such action.

The authority herein granted shall become effective
on the date hereof.

Dated at San Francisco, California, this 11th
day of December, 1933.

CL Leamy
Leon Whitney
H. P. Lane
M. B. Haines
W. H. Haines

Commissioners.