

Decision No. 28171.

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:

FIRST SUPPLEMENTAL ORDER

The People of the State of California, on relation of the Department of Public Works, Division of Highways, applicant herein, on July 13, 1935, filed its petition for modification of order asking that Condition (7) of Decision No. 22766, dated August 7, 1930, be rescinded.

Condition (7) of Decision No. 22766 requires that the grade crossing authorized therein be replaced by a grade separation. The crossing herein involved is located on the Tiburon-Belvedere State Highway at its intersection with Northwestern Pacific Railroad Company's tracks near Tiburon, Marin County.

Applicant alleges that the train movements over said crossing average two freight trains in twenty-four hours, with an average speed of approximately fifteen miles per hour; that there are no passenger train movements over said crossing; that

the existing crossing at grade is protected by two No. 3 wigwag signals; that applicant and Northwestern Pacific Railroad Company have entered into a supplemental agreement relative to said crossing at grade (a copy of which is attached to the application); that the existing crossing at grade is adequate for present and contemplated future traffic; and that public convenience and necessity do not require the installation of said crossing at separated grades.

The Board of Supervisors of Marin County, on July 31, 1935, signified, in writing, that it has no objection to the granting of the application for modification of order.

It appears that this is not a matter in which a public hearing is necessary and that the request should be granted, therefore,

IT IS HEREBY ORDERED that Condition (7) of Decision No. 22766 be and the same is hereby rescinded.

In all other respects said Decision No. 22766 shall remain in full force and effect.

Dated at San Francisco, California, this 15th day of August, 1935.

Leon A. White
M. A. Linn

Walter H. H. H.

Commissioners.