

Decision No. 29801.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the
CITY OF SAN RAFAEL, a municipal corpora-
tion, for permission to construct and
maintain a street or highway grade cross-
ing upon Lindaro Street in the City of
San Rafael at and upon the intersection
thereof with the right of way and railroad
tracks of the Northwestern Pacific Railroad
Company, a corporation.

Application No. 20961.

BY THE COMMISSION:

O R D E R

The City of San Rafael, Marin County, has applied for authority to construct a public street, known as Lindaro Street, at grade across the tracks of Northwestern Pacific Railroad Company in said City of San Rafael. Northwestern Pacific Railroad Company has signified, in writing, that it has no objection to the construction of said crossing at grade.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said tracks at the point mentioned and that the application should be granted,

IT IS HEREBY ORDERED that the City of San Rafael, in the County of Marin, State of California, is hereby authorized to construct Lindaro Street at grade across the tracks of Northwestern Pacific Railroad Company at the location more particularly described in the application and as shown by the map attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. SF-18.64.

- (2) The entire expense of constructing the crossing, including the cost of moving any railroad facilities, shall be borne by applicant. The cost of maintenance of that portion of said crossing up to 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. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Northwestern Pacific Railroad Company.
- (3) The crossing shall be constructed of a width of not less than forty (40) feet and with grades of approach not greater than one (1) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Two (2) Standard No. 3 wigwags, as specified in General Order No. 75-A of this Commission, shall be installed at the sole expense of applicant, for the protection of said crossing of Lindero Street (Crossing No. 5F-18.64). The maintenance of said wigwags shall be borne by Northwestern Pacific Railroad Company.
- (5) Applicant 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.
- (6) 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.
- (7) 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 24th day of May, 1937.

Leon Whittell
William H. Allen
Raymond A. Kelley
Commissioners