

Decision No. 50845**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the CITY OF MILL VALLEY, a municipal)
 corporation, for authorization to) Application No. 35715
 construct a public street across the)
 tracks of Northwestern Pacific)
 Railroad Company at grade.)

Thomas C. Nelson, City Attorney, and
Gordon W. Strawbridge, Mayor,
 for applicant.
M. E. Getchel, for the Commission staff.

O P I N I O N

The City of Mill Valley filed this application on August 18, 1954, seeking to construct a road at grade across a Northwestern Pacific railroad track and to abolish and remove an adjacent overpass structure. Public hearing was held before Examiner John Power in Mill Valley on October 29, 1954. The city presented testimony through its manager, planning technician, engineer, fire and police chiefs, together with the assistant division engineer of the railroad. An associate engineer of the Commission's staff assisted in developing the record.

It appears from the evidence that this overpass was constructed in 1928 and opened to the public in 1929. At that time the railroad operated a commuter service for passengers by means of electric trains. There was a double track for this commuter service in the area, which is now reduced to a single track. The rail traffic density was then very high.

In 1941 the railroad passenger commute service was discontinued. Pacific Greyhound Lines replaced the railroad as the local carrier in Marin County. The main line terminal of the

railroad is now at Tiburon. The result is that rail traffic density at the point of this crossing has dropped to three freight trains each way per week. These are operated exclusively in the daytime and never exceed 20 miles per hour at the point of crossing.

The city made a very complete presentation of its case. There are only two practical routes from Mill Valley to Highway 101. The north route via Blithedale Avenue is the one involved here. As now laid out the overpass does not line up with Blithedale Avenue, and the city proposes to change the alignment so that it does. This would involve relocating the overpass or replacing it with a grade crossing. The city proposes the latter.

Normally, the replacement of a grade separation by a grade crossing is a backward step, but here the rail traffic at the crossing has become so small that the potential hazard is reduced to a minimum. There is nothing in the record to justify putting the city to the great expense of rebuilding this overpass in a new location. It is clear from the evidence that the proposed street realignment is required.

Concerning signal protection for the new crossing, traffic counts in evidence show a density of about 9,000 vehicles per day over this route. Many persons who will use the new crossing are residents of the area and have been accustomed to the existing grade separation. We are of the opinion that automatic protection should be installed.

The record shows and we so find that the proposal of applicant is in the public interest and should be granted.

O R D E R

The City of Mill Valley, Marin County, is authorized to construct East Blithedale Avenue extension at grade across a Northwestern Pacific Railroad Company track at the location described in the application to be identified as Crossing No. 5C-10.9. Applicant shall bear entire construction expense, also maintenance cost outside of lines two feet outside of rails. Northwestern Pacific Railroad Company shall bear maintenance cost between such lines. Width of crossing shall be not less than 40 feet and grades of approach not greater than two per cent. Construction shall be equal or superior to Standard No. 2 of G. O. No. 72. The protection for this crossing shall be by two Standard No. 8 flashing light signals (G. O. No. 75-B). The cost of installation of the flashing light signals shall be borne by applicant and cost of maintenance by Northwestern Pacific Railroad Company.

Upon completion and opening of the above crossing, the overhead Crossing No. 5C-10.7-A located about 150 feet southerly shall be abandoned, closed, and the overpass structure removed. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within two years, unless time be extended, or if above conditions are not complied with.

Authorization may be revoked or modified if public convenience, necessity, or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 7th day of December, 1954.

[Signature]
President

[Signature]

[Signature]

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Commissioners