

Decision No. 55949**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 construct a public | ) | Application No. 35715 |
| street across the tracks of North-  | ) |                       |
| western Pacific Railroad Company    | ) |                       |
| at grade.                           | ) |                       |

INTERIM ORDER

By the Commission's order in its Decision No. 50846, dated December 7, 1954, in the above-entitled proceeding, applicant, City of Mill Valley, obtained authority to construct East Blithedale Avenue at grade across a track of Northwestern Pacific Railroad Company (Crossing No. 5C-10.9) subject to several provisions therein, including a requirement that the crossing be protected by two Standard No. 8 flashing light signals (General Order No. 75-B).

By a Petition for Modification filed October 29, 1957, the City of Mill Valley requests that the Commission issue an order eliminating said requirement of flashing light signal protection and providing such other relief as may be proper in the premises. From subsequent representations by the city, it is understood that the relief sought includes authority for it to open the crossing temporarily pending a final determination of its petition.

Investigation has been made as to the city's petition, including a review of the previous record in this proceeding as developed by public hearing. The work of constructing Crossing No. 5C-10.9 is completed except as to the installation of protection. The railroad has indicated that it is not opposed to the petition being granted, provided that the cost of any future installation of automatic protection be borne entirely by the City of Mill Valley.

It is apparent that a hardship is being endured and that temporary relief should be granted as to the movement of vehicular traffic at and in the vicinity of Crossings Nos. 5C-10.7-A and 5C-10.9, the present and proposed intersections, respectively, of East Blithedale Avenue with said railroad track.

However, it will be necessary that public hearings be scheduled for consideration of that portion of the petition relating to elimination of the flashing light signal requirement in Decision No. 50846.

Therefore, IT IS HEREBY ORDERED:

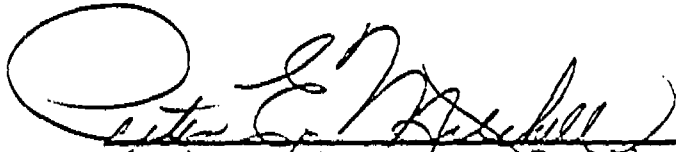
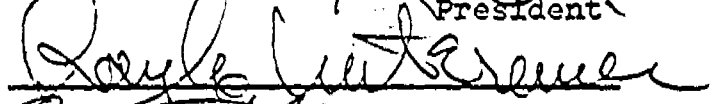
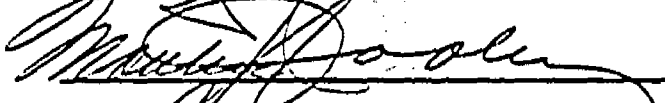


- (1) That the City of Mill Valley shall be granted temporary authority to open Crossing No. 5C-10.9 to public use and travel provided two Standard No. 1 crossing signs equipped with reflex-reflective sheet material are installed and stopping bars and "RXR" markings are painted on the pavement to the crossing approaches, at the cost of the applicant, as protection pending further resolvment of the petition.
- (2) That all ordering provisions set forth on pages 3 and 4 of Decision No. 50846 shall remain in full force and effect except as to the provisions for signal protection and for the abandonment and closure of Crossing No. 5C-10.7-A pending further resolvment of the petition.
- (3) That Application No. 35715 shall be re-opened and public hearing shall be held before such Commissioner or Examiner and at such time and place as may be hereafter designated.
- (4) That further order or orders shall be entered into that may be appropriate in the exercise of the Commission's jurisdiction in the premises.

The Secretary is directed to cause certified copies of this order to be mailed to the Mayor, City Attorney and City Manager,

respectively, of the City of Mill Valley and to the Northwestern Pacific Railroad Company; and to cause appropriate notice of hearing to be mailed at least ten (10) days before the date of hearing.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of December, 1957.

  
President  
  
  
  
  
Commissioners