

Decision No. 56258**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 cor-)
 poration, for authorization to construct) Application No. 35715
 a public street across the tracks of)
 Northwestern Pacific Railroad Company at)
 grade.)
 _____)

Thomas C. Nelson, for applicant.
Randolph Karr, for the Northwestern Pacific
 Railroad Company.
William R. Peters, for the Commission staff.

O P I N I O N

By Decision No. 50846, dated December 7, 1954 in the above application the City of Mill Valley obtained authority to construct East Blithedale Avenue at grade across the tracks of the Northwestern Pacific Railroad Company (Crossing No. 5C-10.9) and to simultaneously abandon the overhead crossing in the area (Crossing No. 5C-10.7A) located about 150 feet to the south all subject to several provisions including a requirement that the grade crossing be protected by two Standard No. 8 flashing light signals, (General Order No. 75-B) at the sole cost of the city.

By petition for modification filed October 29, 1957, the city requested that the Commission eliminate the requirement of flashing light signals as protection to the public at the new crossing.

Decision No. 55949 granted the city temporary authority to open Crossing No. 5C-10.9 to public use provided two Standard No. 1 crossing signs equipped with reflex-reflective sheet material were installed with stopping bars and "RXR" markings painted on the pavement to the crossing approaches. This decision contained the following provisions: "(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 resolvement of the petition."

Public hearing on the two latter issues was held in Mill Valley on January 8, 1958 before Examiner Rowe at which time evidence both oral and documentary was adduced and the matter duly submitted for decision.

No additional evidence was produced as to the need for removal of the present overpass structure except that it appears that the city does not own the property concerned but is seeking to acquire such rights from the county of Marin. The Commission finds that this structure constitutes a traffic hazard and does materially obstruct the view of the drivers of motor vehicles approaching this grade crossing as to trains or engines approaching on the tracks to the south, and the structure should be removed. The Commission further finds that public safety requires the construction and maintenance of two Standard No. 8 flashing light signals (General Order No. 75-B). The crossing involved is located in an area zoned for commerce and very probably buildings will be constructed which will further materially obstruct visibility of approaching trains. The vehicular traffic on Blithedale is substantial and growing.

ORDER

Public hearing having been held, the Commission being fully advised and basing its decision upon the evidence of record and the above findings,

IT IS ORDERED that Application for Modification of Decision and Order filed October 29, 1957 is denied and Decision No. 50846 is affirmed and the order therein contained shall be complied with by the City of Mill Valley, provided however, that in view of the fact that grade crossing No. 5C-10.9 has been opened to public use the city is further ordered to provide the required protection within four months after the effective date hereof. Construction of said two Standard No. 8 flashing light signals shall be performed by Northwestern Pacific Railroad Company and paid for by the City of Mill Valley.

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

Dated at San Francisco, California, this 18th day of February 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners