

ORIGINAL

Decision No. 57894

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the COUNTY OF MARIN, a political subdivision of the State of California, for an Order directing the installation of certain grade crossing signal devices within the COUNTY OF MARIN by NORTHWESTERN PACIFIC RAILROAD COMPANY, and apportioning the cost thereof between the COUNTY OF MARIN and NORTHWESTERN PACIFIC RAILROAD COMPANY.

Application No. 40016

Leland H. Gordon, for applicant.
Randolph Karr and Harold S. Lentz, for Northwestern Pacific Railroad Company, protestant.
Charles Astrue and Martin Lewis, for the Commission staff.

O P I N I O N

This application filed April 16, 1958, requests an order of the Commission directing the installation of flashing light crossing signals at the grade crossings of the Northwestern Pacific Railroad Company tracks and the public roads in Marin County at Olive Street, Atherton Avenue and San Rafael Avenue and that the cost of such construction be allocated fifty percent to the Railroad and fifty percent to the County.

Public hearings were held before Examiner Rowe in San Rafael on September 30, 1958, and November 5, 1958. Evidence was adduced and on the latter date the matter was submitted for decision. Between the time of the two hearings protestant filed its motion to stay proceedings and to bring in the City of Belvedere, alleged to be a necessary party.

From the evidence of record it appears and the Commission finds that the public safety requires the installation, at each of the above grade crossings, of two Standard No. 8 flashing light signals as described in General Order No. 75-B, and in the following order. It is further found after a careful study of all the factors shown by the record, including an approval of the basis of division by the Board of Supervisors,^{1/} that the costs of installation should be divided and paid for seventy five percent by the County and twenty five percent by the protestant.

Regardless of who are the applicants or parties the railroad in such proceedings is permitted to introduce any evidence which shows factors bearing upon or proving which costs should not be imposed upon it. Whether the City of Belvedere should or should not be required to share in construction costs with the County is not an issue in the instant proceeding. The motion of the protestant railroad will be denied.

O R D E R

Application therefor having been filed, public hearings having been held, the Commission now being fully informed and basing its decision upon the above findings and upon the evidence of record,

IT IS ORDERED that:

1. Within nine months after the effective date hereof, Northwestern Pacific Railroad Company shall acquire, construct and install two Standard No. 8 flashing light signals at Olive Street, at Atherton Avenue and at San Rafael Avenue, the latter also to be equipped with an additional flashing unit placed appropriately to warn the drivers of vehicles on the state highway approaching the crossing from the west, all in County territory.

1/ Exhibit No. 8.

2. The cost of the construction shall be borne seventy five percent by the County of Marin and the balance by protestant, Northwestern Pacific Railroad Company, the County's respective shares to be paid to protestant after the submission of a final bill covering costs of each such crossing protection installation.

3. Within thirty days thereafter, Northwestern Pacific Railroad Company shall give the Commission written notice of the completion of all said construction and its compliance with the terms hereof.

4. The cost of maintaining the protective devices referred to in this order shall be borne by Northwestern Pacific Railroad Company.

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

Dated at San Francisco, California, this 20th day of January, 1959.

[Signature]
 President

[Signature]

[Signature]

[Signature]
 Commissioners