

ORIGINALDecision No. 62638

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the Bel-Marin Keys Community Services District, State of California, for a crossing at grade of the tracks of the Northwestern Pacific Railroad Company at railroad Milepost 25.3 (Station "F1" 575I) north of the San Jose Interchange of U. S. Highway 101 Freeway, near Ignacio, California.

Application No. 43656

In the Matter of the Application of the Bel-Marin Keys Community Services District, State of California, for a crossing at grade of the tracks of the Northwestern Pacific Railroad Company at the San Jose Interchange of U. S. Highway 101 Freeway, near Ignacio, California.

Application No. 43657

O P I N I O N

By Application No. 43657 Bel-Marin Keys Community Services District proposes to construct a public grade crossing (at Milepost 24.5) to serve its development easterly of Northwestern Pacific Railroad Company tracks at Ignacio, Marin County. However, it alleges that immediate construction of this crossing is not possible, and thus by Application No. 43656 it seeks authority for immediate construction of a temporary public grade crossing, 0.8 mile northerly of the proposed permanent crossing, at the same location as an existing private grade crossing (Milepost 25.3).

Applicant proposes to maintain a flagman at the temporary crossing between the hours of 7:00 a.m. and 6:00 p.m. "on each and every day during which construction is under way in connection with the development of said subdivision areas" (excerpt from application).

It is further alleged that the State of California, Department of Public Works, plans to convert the nearby U. S. 101

highway to the status of a fully developed freeway in the near future so that there will be no public access at the present private road entrance immediately adjacent to the proposed temporary public grade crossing (Milepost 25.3). Consequently, the temporary crossing will be eliminated by the freeway construction in the near future. The proposed crossings do not appear adverse to the public interest and will be authorized.

O R D E R

Bel-Marín Keys Community Services District is authorized to construct each of the two roads at grade across tracks of Northwestern Pacific Railroad Company, Ignacio, Marin County, at the locations and substantially as set forth in Applications Nos. 43656 and 43657, respectively, subject to the following conditions:

1. Crossing at Milepost 24.5 (Application No. 43657)
shall:
 - (a) be identified as Crossing No. 5-24.5.
 - (b) be of not less than 40 feet in width.
 - (c) have grades of approach of not more than two percent.
 - (d) be protected by two Standard No. 8 flashing light signals (General Order No. 75-B).
2. Crossing at Milepost 25.3 (Application No. 43656)
shall:
 - (a) be identified as Crossing No. 5-25.3.
 - (b) be of not less than 24 feet in width.
 - (c) have grades of approach of not more than six percent.

(d) be protected as follows:

- (1) Within two years from the date hereof, Crossing No. 5-25.3 shall be provided with two Standard No. 8 flashing light signals (General Order No. 75-B).
 - (2) Until such time as the Standard No. 8 signals are installed, Crossing No. 5-25.3 shall be provided with two Standard No. 1 crossing signs (General Order No. 75-B) reflectorized with reflex-reflective sheet material, and a flagman, as set forth in the Opinion hereof, and applicant shall notify the Commission within thirty days after the end of each month as to the time periods within said month that the flagman has been on duty.
3. Construction shall be equal or superior to Standard No. 2 of General Order No. 72.
 4. Upon completion of Crossing No. 5-24.5 and its being opened to vehicular traffic substantially as set forth in Application No. 43657 the following crossings shall be abolished by physical closing by Northwestern Pacific Railroad Company:
 - (a) Grade crossing located at about Milepost 25.3, the same crossing that is now a private crossing and being authorized as a temporary public crossing (Crossing No. 5-25.3) herein.

(h) Private grade crossing located at about
Milepost 24.9 (serving the so-called
Pimentel property).

Construction, maintenance and abolishment expense shall be apportioned by agreement between the parties or, if they fail to agree, by further order of the Commission. Maintenance cost outside of lines two feet outside of rails shall be borne by applicant. Northwestern Pacific Railroad Company shall bear maintenance cost between such lines.

Within thirty days after completion pursuant to this Order, applicant shall so advise the Commission in writing. This authorization shall expire 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 3rd
day of OCTOBER, 1961.

S. L. Fox President

George H. Grover

Fredrick B. Holbrook

Commissioners

Everett C. McKenna
Commissioners ~~Peter E. Mitchell~~; being
necessarily absent, did not participate
in the disposition of this proceeding.