

Decision No. 79735**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California )  
 Department of Public Works for an order )  
 authorizing the construction of four )  
 crossings at separated grades and the )  
 abandonment and closure of an existing )  
 public grade crossing all over the )  
 tracks of the Northwestern Pacific )  
 Railroad Company in and near the City )  
 of Novato, County of Marin. )

Application No. 52289  
 (Filed September 27, 1971)  
 (Amended November 15, 1971)

O R D E R

The State of California Department of Public Works is hereby authorized to construct four crossings at separated grades of Route 101 over the tracks of Northwestern Pacific Railroad Company in and near the City of Novato, in the County of Marin, at the locations and substantially as shown by plans (Exhibit B) attached to the application, as amended, to be identified as follows:

<u>Name of Crossing</u>	<u>Crossing Number</u>
Franklin Avenue Overhead	5-27.5-A
DeLong Avenue Overhead	5-27.3-A
Atherton Avenue Overhead	5-28.6-A
North Novato Overhead	5-29.0-A

Construction and maintenance expense shall be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans of said crossings approved by the Northwestern Pacific Railroad Company shall be filed with the Commission within 180 days from the date hereof. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

Clearances shall be in accordance with General Order No. 26-D, except that during the period of construction a clearance of not less than 20' 6" above top of rail is authorized, and the Northwestern Pacific Railroad Company is authorized to operate with such reduced overhead clearances provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on tops of cars.

The applicant shall notify the Commission and the affected railroad at least fifteen but not more than thirty days in advance of the date when the temporarily impaired clearances will be created.

Walkway areas adjacent to the railroad tracks shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

Upon completion, the existing grade crossing of LaMont Avenue, Crossing No. 5-27.6, shall be abandoned and physically closed.

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 the time be extended or if 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 23rd day of FEBRUARY, 1972.

William J. Vukasin, Jr. Chairman  
James L. Sturgeon  
Ed. D. ...  
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.