

Decision No. 81454**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 widening of an existing )  
 crossing at separation of grade, Bridge )  
 No. 27-09 R & L, known as the "Nellen )  
 Avenue Undercrossing", over the tracks )  
 of The Northwestern Pacific Railroad )  
 Company, in connection with the widening )  
 of a portion of Route 101 Freeway from )  
 the north end of Richardson Bay Bridge )  
 to the Greenbrae Interchange in Corte )  
 Madera. )

Application No. 53824  
 (Filed February 5, 1973)

O P I N I O N

The State of California Department of Public Works requests authority to widen the existing crossing at separated grade of "Nellen Avenue Undercrossing" (State Route 101) at the track of the Northwestern Pacific Railroad Company in the City of Larkspur, County of Marin. Notice of the application was published in the Commission's Daily Calendar on February 6, 1973. No protests have been received. A public hearing is not necessary.

FINDINGS AND CONCLUSIONS

The request is in the public interest and should be granted. The State of California Department of Public Works should be authorized to widen the existing "Nellen Avenue Undercrossing" at separated grade at the track of the Northwestern Pacific Railroad Company in the City of Larkspur, County of Marin, at the location and substantially as shown by plans (Exhibit B) attached to the application, identified as Crossing 5C-13.98-A.

Construction and maintenance expense should be borne in accordance with an agreement entered into between the parties. A copy of the agreement has been filed with the application. Plans of said crossing approved by the Northwestern Pacific Railroad

Company should be filed with the Commission prior to commencing construction.

Clearances for the addition to the existing structure should conform to General Order No. 26-D, except that during the period of construction a temporary vertical clearance of not less than 19' 6" above top of rail will be required and the Northwestern Pacific Railroad Company should be 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 should notify the Commission and the railroad at least 15 but not more than 30 days in advance of the date when the temporary impaired clearance will be created.

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

The applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

O R D E R

IT IS ORDERED that:

1. The application is granted conditioned on the findings and conclusions set forth above.
2. 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 three 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.

A. 53824 FBC

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

Dated at San Francisco, California, this 12<sup>th</sup> day of JUNE, 1973.

William L. Symonds  
President  
William Symonds  
[Signature]  
[Signature]  
Commissioners

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