

TLR

Decision No. 83497

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,)
Department of Transportation, for an)
order authorizing the closure and re-) Application No. 55028
moval of Grade Crossing No. 5-30.2 over) (Filed July 12, 1974)
the tracks of the Northwestern Pacific)
Railroad Company near the City of Novato,)
County of Marin.)

O P I N I O N

The California Department of Transportation seeks an order authorizing the closure and removal of Airport Road across the track of the Northwestern Pacific Railroad Company near the City of Novato in Marin County, identified as Crossing No. 5-30.2.

The applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and states in its application that this project is categorically exempt.

The applicant proposes, in the improvement of Highway 101 to full freeway standards, to eliminate access by closure and removal of said grade crossing.

Notice of the application was published in the Commission's Daily Calendar on July 15, 1974. The county and the railroad have approved this project. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to close Airport Road across the track of the Northwestern Pacific Railroad Company. Said closure should not be implemented until a frontage road is completed easterly of the track to connect Airport Drive with Atherton Avenue.

2. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plan set forth in the application and comply with applicable rules and general orders of the Commission.

3. The crossing should be completely obliterated in accordance with an agreement entered into between the parties relative thereto.

4. The applicant should provide a barricade across Airport Road immediately east of the railroad right of way.

5. This project is categorically exempt under the provisions of Section 1510.1 of Chapter 2, Title 21 of the California Administrative Code. The Commission has considered the applicant's environmental finding in rendering its decision on this project.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. Applicant is authorized to abolish by physical closing Airport Road across the track of the Northwestern Pacific Railroad Company near the City of Novato in Marin County after the completion of a frontage road easterly of the track, connecting Airport Road with Atherton Avenue. The crossing to be closed is identified as Crossing No. 5-30.2.

2. The pavement within the railroad right of way shall be completely obliterated in accordance with an agreement entered into between the parties relative thereto. A copy of said agreement together with plans of the crossing closure and proposed frontage road approved by the railroad shall be filed with the Commission within 120 days of the date hereof.

3. Walkway areas adjacent to the railroad track shall be maintained free of obstructions and shall conform to General Order No. 118.

4. The cost of abolishing the crossing shall be borne as follows:

- a) The railroad shall bear the costs of obliterating the pavement in the track area between the limits of two feet outside of the rails.
- b) The applicant shall bear the costs of obliterating the crossing pavement outside of the limits two feet outside of the rails.

5. The applicant shall construct, at applicant's cost, a barricade across Airport Road immediately east of the railroad right of way.

6. 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 the above conditions are not complied with. This 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 24th day of SEPTEMBER, 1974.

Vernon L. Sturgeon
President
William J. Symes
Richard
Commissioners