

Decision No. 17861

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the Matter of the Application of THE CITY OF MONTEREY for an order authorizing a street crossing at grade across the tracks and right- of-way of the Southern Pacific Com- pany at the intersection of its tracks and Figueroa Street, in said City of Monterey, California.</p>)
---	---

ORIGINAL

Application No. 12827.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

City of Monterey, a municipal corporation of the State of California, applicant herein, having on December 10th, 1926, filed with this Commission its First Supplemental Application in the above entitled proceeding, asking for an Order modifying the apportionment of the cost of construction and maintenance of a street crossing at grade across the tracks and right-of-way of the Southern Pacific Company at the intersection of its tracks with Figueroa Street, in said City of Monterey, as prescribed in Decision No. 16870 in Application No. 12827, and it appearing that this is not a matter in which a public hearing is necessary and that said First Supplemental Application should be granted, therefore

IT IS HEREBY ORDERED that Condition (1) of Decision No. 16870, reading as follows:

"(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein

assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company,"

be and it is hereby amended as follows:

(1) The cost of constructing said crossing, for a width of forty (40) feet from a point two (2) feet north of the siding of said Southern Pacific Company across said Figueroa Street to a point two (2) feet south of the house track of said company across said street, (all as shown on a plat attached to the Supplemental Application), shall be borne by said City of Monterey and shall thereafter be maintained by said Southern Pacific Company. The cost of constructing said crossing and improvement, for said width of forty (40) feet from the southerly boundary of said Southern Pacific Company's right-of-way to the southerly termination of the approach to Municipal Wharf No. 2 of said city (except as hereinabove apportioned to said city) shall be borne by said Southern Pacific Company and shall thereafter be maintained by said City of Monterey, except for that portion between lines drawn two (2) feet outside of the rails of a spur track of said company lying approximately forty-five (45) feet north of the southerly right of way line of said Southern Pacific Company. The cost of maintaining that portion of said crossing between said lines drawn two (2) feet outside of the rails of said spur track shall be borne by said Southern Pacific Company.

In all other respects this Commission's order heretofore entered in the above entitled proceeding shall remain in full force and effect.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 11th day of January, 1927.

Ernest
H. B. Benedict
Ch. Henry
Leon Owsell

Commissioners.