

Decision No. 21391.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the application
of the City of Pittsburg for per-
mission to construct Montezuma
Avenue across the Sacramento
Northern Railway.

Application No. 15,786.

BY THE COMMISSION:

O R D E R

The City of Pittsburg, in the County of Contra Costa, State of California, filed the above entitled application with this Commission on the 9th day of July, 1929, asking for authority to construct a public street known as Montezuma Avenue at grade across the track of Sacramento Northern Railway, in said City of Pittsburg as hereinafter set forth.

Said Sacramento Northern Railway has signified by letter that it has no objection to the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said track at the point mentioned in this application, and that this application should be granted, subject to the conditions hereinafter specified, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the City of Pittsburg in the County of Contra Costa, State of California, to construct Montezuma Avenue at grade across the track of Sacramento Northern Railway at the

location hereinafter particularly described and as shown by the map attached to the application.

Description of Crossing.

"Beginning at the intersection of the northerly line of the Sacramento Northern Railway right-of-way and the easterly line of Montezuma Avenue as the same is laid down and delineated on that certain map entitled "West Side Addition No. 3 of the City of Pittsburg," filed in the office of the County Recorder, County of Contra Costa, State of California, Volume 21 of Maps, page No. 574; running thence westerly on a curve to the left having a radius of 5799.65 feet, a distance of fifty (50) feet more or less along the northerly line of said right-of-way to the westerly line of Montezuma Avenue; thence S 16 degrees 40' W one hundred (100) feet to the southerly line of said Sacramento Northern Railway right-of-way; thence easterly on a curve to the right, having a radius of 5699.65 feet, a distance of fifty (50) feet more or less along the southerly line of said right-of-way to the said easterly line of Montezuma Avenue, thence North 16 degrees 40' E, a distance of one hundred (100) feet to the point of beginning."

The above crossing shall be identified as Crossing No. SN-46.65.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of 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 Sacramento Northern Railway. 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 Sacramento Northern Railway.

(2) The crossing shall be constructed of a width not less than thirty (30) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by a Standard No. 1 crossing sign as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 16th day of

July, 1929.

Cl. Sawyer

Geo. W. D'Este

M. J. Carr

 Commissioners.