

Decision No. 21496.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of
 Southern Pacific Company for an order
 authorizing the construction at grade
 of spur track across Hoffman Avenue,
 in the City of Monterey, County of
 Monterey, State of California.

ORIGINAL

Application No. 15,882.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 17th day of August, 1929, asking for authority to construct a spur track at grade across Hoffman Avenue in the City of Monterey, County of Monterey, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution dated July 23, 1929) has been granted by the City Council of said City for the construction of said crossing at grade. 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 at the point mentioned in this application with said Hoffman Avenue 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 Southern Pacific Company to construct a spur track at grade across Hoffman Avenue in the City of Monterey, County of Monterey, State of California, at the location hereinafter particularly described and as shown by map (Coast Division, Drawing 23992) attached to the application.

DESCRIPTION OF CROSSING.

Beginning at a point on the southerly line of Hoffman Avenue, distant westerly thereon 87 feet, more or less from the westerly line of Ocean View Avenue; thence in a north-westerly direction crossing Hoffman Avenue to a point on the northerly line thereof; thence continuing into private property.

The above crossing shall be identified as a portion of Crossing No. EE-126.8.

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

(1) The entire expense of constructing the crossing together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed substantially in accordance with Standard No. 3, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said avenue now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding eight (8) per cent; 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 thereover of vehicles and other road traffic.

(3) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(4) Applicant shall remove the tracks shown in yellow on the map (Coast Division Drawing 23992) attached to the application, insofar as they lie in Hoffman Avenue; and shall repair the street to conform to the remainder thereof.

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

(6) 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.

(7) 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 30th day of August, 1929.

David S. Leland
Chairman
Commissioners
Leon Whittell
W. J. Carr
 Commissioners.