

Decision No. 22068.**ORIGINAL**

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 a spur track along Chesnut
Street, and relocation of side track
switch in said Chesnut Street, in the
City of Santa Cruz, County of Santa
Cruz, State of California.

Application No. 16241.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 18th day of January, 1930, asking for authority to construct a spur track and a side track at grade across a portion of Chesnut Street in the City of Santa Cruz, County of Santa Cruz, State of California, as hereinafter set forth, and to construct a portion of said track at variance with Section 2(c) of General Order No. 26-C of this Commission. The necessary franchise or permit has been granted by the City Council of said City for the construction of said crossing at grade and it appears that the Coast Counties Gas and Electric Company has agreed to remove its poles from said Chesnut Street in so far as they interfere with the construction of said spur and permit the track to be located 8' 6" from the property line instead of 10 feet as required in said General Order. 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 grade separations or to avoid grade crossings at the points mentioned in this application with said Chesnut Street; that the request to waive the requirement of Section 2(c) of General Order No. 26-C is reasonable in this instance, 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 and a side track at grade across a portion of Chesnut Street in the City of Santa Cruz, County of Santa Cruz, State of California, at the locations hereinafter particularly described and as shown by the map, Coast Division Drawing 20071, attached to the application.

"#1. Beginning at a point in the center line of the existing track in Chesnut Street, said point being distant northerly 25 feet, more or less, from the southerly line of Sycamore Street; thence in a northerly direction to a point in Chesnut Street, distant easterly at right angles 8.5 feet from the westerly line of Chesnut Street, and distant southerly 340 feet more or less from the southerly line of Laurel Street., thence in a northerly direction parallel to and distant at right angles easterly 8.5 feet from the westerly line of Chesnut Street., a distance of 280 feet, more or less.

"#2. Beginning at a point on the center line of the sforedescribed Track #1, said point being distant northerly 142 feet more or less from the southerly line of Sycamore Street, thence in a northerly direction to a point in the existing side track located in Chesnut Street."

The above crossings shall be identified as Crossing No. L-79.0-C.

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

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

(2) Said crossings shall be constructed equal or superior to type shown as Standard No. 2, 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 street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding three (3) 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) Applicant shall, with thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) If said crossings 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 crossings 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.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company be and it is hereby authorized to construct a spur track along the westerly side of Chesnut Street in the City of Santa Cruz, County of Santa Cruz, State of California, the center line of which may be less than ten (10) feet easterly from the westerly property line of said street, provided that the existing

poles located on the westerly side of said Chesnut Street adjacent to the proposed location of said track be removed and, provided further, that all clearances along said track conform to all the requirements of General Order No. 26-C of this Commission other than Section 2(c) of said Order.

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

Dated at San Francisco, California, this 30th
day of January, 1930.

Al Seaver
Edmund A. [unclear]
Leon [unclear]
Thos. [unclear]
Commissioners.