

Decision No. 11495

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC ELECTRIC RAILWAY COMPANY for)
authority to abandon a certain spur)
track along Bay Avenue in the City) Application No. 8542.
of Newport Beach, County of Orange,)
State of California.)

BY THE COMMISSION:

O-R-D-E-R

Pacific Electric Railway Company, a corporation, has petitioned the Railroad Commission for an order authorizing the abandonment and removal of a certain spur track in the City of Newport Beach, County of Orange, said spur track running from the main line of applicant at a point between Twenty-fifth and Twenty-sixth Streets in said city to a point in Ocean Avenue, and more particularly described as follows:

"Commencing at a point in the present constructed track of the Pacific Electric Railway Company's Newport Beach Line, distant southeasterly 63.05 feet from the intersection of said track with the center line of Twenty-sixth Street; thence southeasterly and southerly along Bay Avenue to end of spur at Ocean Avenue."

The spur track, herein proposed to be abandoned is more fully illustrated by a blue print map marked "C.E.R. 6281" attached to the application in this proceeding.

Applicant alleges that the City of Newport Beach is improving certain streets in the vicinity of the track, and with the understanding that the spur track would be removed, have not required street improvement including the rehabilitation of the track for such purpose; that the track no longer serves a public need and has not since the year 1918; that the purpose

for which it was constructed no longer exists; that the track was originally constructed under the authority of Franchise No.19 granted by the Board of Trustees of the City of Newport, Beach; and that said city is now desirous of having the track removed at the earliest possible time.

The Board of Trustees of the City of Newport Beach have by the passage of Ordinance No.220, dated December 18, 1922, formally consented to the removal and abandonment of the track and have repealed Ordinance No.19, originally granted on June 9, 1907, said Ordinance No.19 constituting the authority for the construction, all as evidenced by a certified copy of Ordinance No. 220 filed herein as a portion of this application.

An inspection having been made, the Commission now being fully advised and of the opinion that this is a matter in which a public hearing is not necessary, and that the application should be granted,

IT IS HEREBY ORDERED that this application be and the same hereby is granted.

Dated at San Francisco, California, this 12th day of January, 1923.

Clarence

Irving Martin

Ernest Shore

J. P. Whitney
Commissioners.