

Decision No. 29853

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of
the CITY OF PACIFIC GROVE for per-
mission to open and improve the
Railroad Crossing of Jewell Avenue
in said City.

} Application No. 20962

R. E. Foster, City Attorney
for Applicant

A. S. Williams, Southern Pacific Company,
Protestant

BY THE COMMISSION:

O P I N I O N

ORIGINAL

In this proceeding applicant seeks authority to construct Jewell Avenue at grade across a track of Southern Pacific Company (Monterey Branch) in the City of Pacific Grove, Monterey County.

A public hearing was conducted in this matter at Pacific Grove by Examiner Hunter, April 30, 1937. Jewell Avenue is an east and west street, located in the northern portion of the city and is a dedicated highway from the business section of the city (Pacific Avenue) west to the ocean, a distance of about one mile. It is, however, closed to traffic across the Southern Pacific Company 50 foot right-of-way, and is unimproved for a distance of about 500 feet on either side of the railroad. In this proceeding the city seeks authority to open this highway across the railroad property by constructing a grade crossing with the rails. Applicant alleges that if this application is granted it proposes to improve and make Jewell Avenue an important street between the business section and the Ocean as well as provide an outlet for the district adjacent to Jewell Avenue to the west of the Railroad. The nearest crossings over the railroad to the one proposed herein are at Pico Avenue located 2200 feet

to the south and at Lighthouse Avenue located 500 feet to the east.

The railroad involved herein is Southern Pacific Company's Monterey Branch which is a single track line. The proposed grade crossing is located near the end of this branch line and beyond all passenger operations except perhaps an occasional special train. In fact, the normal rail operations over the track in the vicinity of the proposed crossing consist of two freight train movements per day - - one in each direction. The speed of all train movements at this location is limited to 15 miles per hour. The cost of constructing the proposed crossing, including a single wigwag, was estimated by Southern Pacific Company to be about \$1,400. The greater portion of this expense, amounting to \$1,200, was assigned to providing this automatic grade crossing signal. The record shows that the view at the proposed crossing is seriously impaired by trees and the further fact that the railroad is constructed on sharp curve to the north of Jewell Avenue.

Southern Pacific Company opposes the granting of this application on the ground that public convenience and necessity does not justify the construction of another crossing over this track between the existing ones at Pico and Lighthouse Avenues.

A review of this record leads to the conclusion that the most convincing argument for the granting of this application to construct a grade crossing over this unimportant railroad is that the proposed grade crossing will, if constructed, permit of a direct highway between the business section of Pacific Grove and the Ocean, which should attract considerable local and through traffic. It is obvious that if Jewell Avenue is to assume the importance which has been alleged by the city in this record, the proposed grade crossing, if constructed, should be provided with an automatic signal, particularly since the views are seriously obstructed. This application will be granted only upon the express

condition that Jewell Avenue will be graded and surfaced between its intersection with Lighthouse Avenue on the east and its intersection with Asilomar on the west, and, the further condition that the crossing will be provided with one automatic signal. Otherwise the record does not justify the granting of this application.

O R D E R

IT IS HEREBY ORDERED that the City of Pacific Grove, in the County of Monterey, State of California, is hereby authorized to construct Jewell Avenue at grade across a track of Southern Pacific Company, at the location more particularly described in the application and as shown by the maps attached thereto, subject to the following conditions and not otherwise:

- (1) The crossing shall not be opened to public use and travel until Jewell Avenue is graded and surfaced to a width of not less than 24 feet between its intersection with Lighthouse Avenue on the east and its intersection with Asilomar on the west.
- (2) The above crossing shall be identified as Crossing No. EE - 129.1
- (3) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion 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. Southern Pacific Company shall perform all actual work of constructing the crossing between lines two (2) feet outside of the outside rails.
- (4) The crossing shall be constructed of a width of not less than fifty (50) feet and at an angle of approximately eighty (80) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed equal or superior to type shown as Standard No. two in our General Order No. 72; shall be protected by a Standard No. 3 wigwag as specified

in our General Order No. 75-A, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof 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, public convenience and necessity demand such action.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 14th day of

June, 1937.

William H. Miller
Leon A. Whitley
Harold A. Brown
Raymond A. Smith
Ray & Riley
Commissioners