

Decision No. 12546

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of The Atchison, Topeka and Santa Fe Railway Company, a corporation for authority to construct, maintain and operate a spur track across Columbia Street in the City of San Diego, County of San Diego, State of California.

Application No. 9286

BY THE COMMISSION:

C R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, having on August 2, 1923, filed with the Commission an application for permission to construct a spur track at grade across Columbia Street in the City of San Diego, County of San Diego, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit (Charter Ordinance No. 58, dated November 11, 1880) has been granted by the Board of Trustees of said City of San Diego for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said Columbia Street, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted The Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade across Columbia Street in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at a point in the east line of Columbia Street, said point being 128.49 feet south measured along said south line of Columbia Street from the south line of Market Street, thence 90.04 feet more or less in a northwesterly direction across Columbia Street to a point in the west line of said Columbia Street, said point being 78.71 feet south measured along said west line of Columbia Street from said south line of Market Street.

All of the above as shown by the map (Division Engineer's Drawing L-3-5150) attached to the application; said crossing to be constructed subject to the following conditions, viz:

(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 of a width and type of construction to conform to that portion of said street now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding four (4) per cent; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover 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) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order 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.

This order shall become effective three (3) days after the making thereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of August, 1923.

Albany

James Watson

J. T. Whittier  
Commissioners.