

Decision No. 12627

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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Application of San Diego and Arizona  
Railway Company, a corporation, for  
authority to construct industrial  
spur track across Union and I Streets,  
San Diego, and across track of Atchison,  
Topeka and Santa Fe Railway Company, for  
service to Frost Hardwood Lumber Company.) } Application No. 9355

BY THE COMMISSION:

ORIGINAL

O R D E R

San Diego and Arizona Railway Company, a corporation, having on September 4, 1923, filed with the Commission an application for permission to construct a spur track at grade across Union Street and I Street and across track of The Atchison, Topeka and Santa Fe Railway Company, 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 (Ordinance 2757, dated February 14, 1907) has been granted by the Common Council of said City of San Diego, for the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said Union Street and I Street and the track of The Atchison, Topeka and Santa Fe Railway Company, 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 San Diego and Arizona Railway Company to construct a spur track at grade across Union Street and I Street in the City of San Diego, County of San Diego, State of California, as shown by the map (H-123) attached to the application; said crossings to be constructed subject to the following conditions, viz:-

(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 of a width and type of construction to conform to those portions of said streets 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 crossings.

(4) The authorization herein granted for the installation of said crossings will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED, that permission be and it is hereby granted San Diego and Arizona Railway Company to construct its spur track at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company in Union and I Streets in the City of San Diego, County of San Diego, State of California, as shown on the

map 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 shall be borne by applicant.

(2) All trains, engines or cars of applicant shall stop before going upon or over said crossing and shall not proceed thereover until it has been ascertained that it is safe to do so.

(3) All trains, engines or cars of The Atchison, Topeka and Santa Fe Railway Company shall stop before going upon or over said crossing and shall not proceed thereover until it has been ascertained that it is safe to do so.

(4) Applicant shall, within sixty (60) days from the date of this order file with the Commission duly executed copy or copies of agreement or agreements made with said Atchison, Topeka and Santa Fe Railway Company covering the installation, maintenance and operation of said crossing.

IT IS HEREBY FURTHER ORDERED, that 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.

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

Dated at San Francisco, California, this 18<sup>th</sup> day of September, 1923.

Cl. L. Loring

Dwight Martin

J. T. Whittelsey  
Commissioners