

ORIGINAL

Decision No. 12968

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, ) Application No. 9598.  
for authority to construct a spur )  
track across Bean Street in the )  
City of San Diego, County of San )  
Diego, State of California. )

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, having on December 13, 1923, filed with the Commission an application for permission to construct a spur track at grade across Bean 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 Bean 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 Bean Street in the City of San Diego, County of San Diego, State of California, as shown in red by the map (Division Engineer Drawing No. I-5-5719) 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 five (5) 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) If said crossing 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 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 28<sup>th</sup> day  
of December, 1923.

*O. Sweeney*

*Irving Whitten*  
*Gerlow Shore*

Commissioners.