

ORIGINAL

Decision No. 12653

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of
 San Diego Electric Railway Company,
 a corporation, for an order authori-
 zing it to construct, maintain and
 operate its street railway tracks upon
 an overhead crossing over the tracks
 of The Atchison, Topeka & Santa Fe
 Railway Company and across Tide Street,
 in San Diego.) Application No. 9177

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

The Atchison, Topeka and Santa Fe Railway Company, having in writing, requested that this Commission's order in its Decision No. 13115, issued February 4, 1924, with respect to the grade of approach of the proposed highway between the Santa Fe railroad and Moore Street, for the crossing authorized, be modified.

The Commission's order provides that:

"said undercrossing shall be constructed with a paved highway for the use of vehicles not less than thirty feet in width, with grades of approach not in excess of five (5) per cent and with a sidewalk six feet in width elevated approximately six feet above the elevation of the roadway, said sidewalk to have grades of approach not in excess of ten per cent and to be located on the easterly side of said highway and that, further, said undercrossing shall be constructed in accordance with plans which shall have been approved by the Commission."

Plans for the construction of the proposed grade separations, submitted to the Commission for its approval, show the grade of approach for the highway between Moore Street and the Santa Fe railroad to be eight per cent instead of five per cent as specified in the Commission's order. The grade of approach on the southwest side of the proposed grade separations is at the rate of five per

cent.

Further investigation in this matter has developed the fact that to construct the proposed highway between Moore Street and the Santa Fe railroad on a five per cent grade will require a heavy cut on Moore Street at its intersection with the proposed highway and on each side thereof. The property on the north side of Moore Street is much higher than the street as now paved. At present there is a residence on the north side of Moore Street between Coutts and Witherby Streets, with a garage set back only a short distance from the street. A change in the grade of Moore Street at this time to meet a five per cent grade on the proposed highway will create substantial damage to this improved property and undoubtedly will involve property damage to the unimproved property on the north side of Moore Street, on both sides of its intersection with the proposed new highway.

The proposed change of the grade for the new highway between Moore Street and the Santa Fe track has been approved by representatives of each of the interested parties in this proceeding including the City of San Diego. The matter has been investigated by the Commission's engineers, who have recommended that the request to construct the proposed highway between the Santa Fe Railroad and Moore Street on an eight per cent grade, instead of on a grade not to exceed five per cent, as authorized in the Commission's order, referred to above, be granted contingent on lowering the footings for the structure supporting the Santa Fe track at its intersection with the proposed highway to a level that will permit of the construction of a highway on a five per cent grade if it is later decided to reduce the proposed eight per cent grade. All the interested parties have agreed to the plan of lowering the footing, as suggested by the Commission's engineers.

It appears that this is not a matter in which a further public hearing is necessary and that said request should be granted.

IT IS HEREBY ORDERED, that Decision No. 13115, dated February 4, 1924, be and it is hereby amended as follows:

That part of the Commission's order requiring that the proposed highway between the Santa Fe track and Moore Street to be constructed on a grade not in excess of five (5) per cent shall be modified to provide that the grade of this highway shall be constructed on a grade not in excess of eight per cent.

IT IS HEREBY FURTHER ORDERED, that the modification herein granted is contingent on the lowering of the proposed footings to support the Santa Fe track at its intersection with the proposed highway to a level that will not interfere with the construction of a highway on a five per cent grade between the Santa Fe track and Moore Street if it is later decided to make the change.

IT IS HEREBY FURTHER ORDERED, that in all other respects this Commission's order heretofore entered in the above entitled proceeding shall remain in full force and effect.

Dated at San Francisco, California, this 5th day of June, 1924.

C. Seavey
H. H. Brundige
Dwight Masters

J. H. Whittier
Commissioners.