

Decision No. 13708

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the CITY OF SAN DIEGO for permission to construct 61st Street, 65th Street, 66th Street, 67th Street and 68th Street at grade across the tracks of the San Diego & Arizona Railway Company, a corporation.

ORIGINAL

Application No. 9860

S. T. Howe, for City of San Diego.  
R. G. Dilworth, for San Diego.

BY THE COMMISSION:

O P I N I O N

In this application the City of San Diego seeks permission to construct five streets at grade across a track of San Diego and Arizona Railway Company in the City of San Diego.

A public hearing was held on this application before Examiner Williams at San Diego May 21st, 1924.

The crossings applied for herein are desired to serve a rather sparsely settled district north of the San Diego and Arizona Railway tributary to each of the proposed crossings. This district is rolling, rising rather steeply to the north from each of the proposed crossings. In general it may be said that vehicular traffic north of the track in the vicinity of the proposed crossings is restricted to the natural drainage courses which are north and south. Imperial Avenue is a paved highway running along the south side of the San Diego and Arizona Railway. Akins Street is an unimproved road running along the north side of the track. This road, however, is impassable for considerable of the distance

between 60th and 68th Streets due to the fact that it is on a lower level than the adjoining country and the natural drainage has washed a channel for considerable distance along its course.

Practically all the traffic from the district to be benefitted by the proposed crossings is to and from the west toward San Diego. For a period of over ten years the public has crossed over the track at each of the crossings applied for herein but the Railway has never given an easement over their property permitting a public crossing. These crossings have been rather narrow and now the City desires to improve and widen them.

The railroad involved herein is the San Diego and Arizona Railway Company's line between San Diego and Lakeside over which both steam trains and gas motor cars are operated. There are sixteen regular train movements over this line per day at moderate rates of speed. The view conditions are fairly good at each of the crossings applied for herein.

The evidence shows that the streets leading to the crossing applied for at 60th, 65th, 66th and 68th Streets serve a considerable district to the north of the track and offer a natural outlet for a considerable number of families residing in the district. In the case of the crossing applied for at 67th Street, it was shown that this street was rather steep to the north of the track and serves only about five families. For these five families it would not be a serious inconvenience to cross the track at 66th or 68th Street.

The San Diego and Arizona Railway is not opposed to the granting of a public crossing at 60th, 65th, 66th and 68th Streets providing no crossing is permitted at 67th Street. From the evidence at hand it appears that public convenience and necessity require the granting of public crossings at 60th, 65th, 66th and

68th Streets, and that the application for a public crossing at 67th Street should be denied. No protection other than the usual crossing signs at each of the suggested crossings appears necessary at this time.

O R D E R

City of San Diego having filed with the Commission an application asking permission to construct 60th, 65th, 66th, 67th and 68th Streets at grade across a track of the San Diego and Arizona Railway Company, as shown on the map attached to the application, a public hearing having been held, the matter having been submitted and ready for decision,

IT IS HEREBY ORDERED that permission be and it is hereby granted the City of San Diego to construct 60th, 65th, 66th and 68th Streets at grade across a track of San Diego and Arizona Railway Company, as shown by the map (729-B) attached to the application, said crossings to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossings shall be borne by applicant. The cost of their maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossings between lines two (2) feet outside of the outside rails shall be borne by San Diego and Arizona Railway Company.

(2) The crossings shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than five (5) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon 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) 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 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.

IT IS HEREBY FURTHER ORDERED, that that portion of the above entitled application concerning the construction of a grade crossing over the San Diego and Arizona Railway at 67th Street be and it is hereby denied.

This order shall become effective twenty (20) days from the making thereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of June, 1924.

W. A. Seaver  
W. B. ...  
E. J. ...

Commissioners.