

Decision No. 14120

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of The City of San Diego for per-)
mission to construct Fergus Street)
at grade across the tracks of the)
San Diego & Arizona Railway Company,)
a corporation.)

Application No. 10222.

ORIGINAL

BY THE COMMISSION:

O R D E R

The City of San Diego, County of San Diego, State of California, having filed the above entitled application with this Commission on the 26th day of June, 1924, asking for authority to construct a public street at grade across the tracks of San Diego and Arizona Railway Company in said City, as hereinafter set forth.

The Commission's engineers have investigated this matter and recommend that this application be granted contingent upon the closing of the existing grade crossing at Grant Street or 62nd Street, located approximately 500 feet to the east of Fergus Street, which is an unofficial grade crossing, due to the fact there will be little public necessity for a grade crossing at Grant Street with one at Fergus Street.

Said San Diego and Arizona Railway Company has signified by letter that it has no objection to the construction of said crossing at grade, providing the existing grade crossing at Grant Street or 62nd Street be closed, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation, or to avoid a grade crossing with said tracks at the point mentioned in this application, and that this application

should be granted, subject to the conditions hereinafter specified,

THEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the City of San Diego, County of San Diego, State of California, to construct Fergus Street at grade across the tracks of San Diego and Arizona Railway Company, as shown by the map (747-B dated 6-13-24) attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of its 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 crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of eighty (80) degrees to the railroad and with grades of approach not greater than five per cent; shall be protected by a suitable crossing sign 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 crossing.

(4) The existing publicly used crossing at Grant Street or 62nd Street located approximately 450 feet/^{east}of the proposed Fergus Street crossing, shall be legally abandoned and effectively closed to public use and travel.

(5) 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.

(6) 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 from the making thereof.

Dated at San Francisco, California, this 2nd day of October, 1924.

H. H. Brundage

Dwight Martin

J. J. Whittebury
Commissioners.