

Decision No. 14 374

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

Application of San Diego Electric)
Railway Company, for authority to)
construct, maintain and operate a)
spur track at official grade,)
across Broadway, E Street, F Street,)
G Street, and Market Street in)
San Diego, California; and for ap-)
proval of agreement of lease.)

Application No. 10677

BY THE COMMISSION:

Ô R D E R

San Diego Electric Railway Company, a corporation, filed the above entitled application with this Commission on the 13th day of December 1924, asking for authority to construct a spur track at grade across Broadway, E Street, F Street, India Street, G Street and Market Street, in the City of San Diego, County of San Diego, State of California, as hereinafter set forth. 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 grade separations, or to avoid grade crossings at the points mentioned in this application with said Broadway, E Street, F Street, India Street, G Street and Market Street, and that this application, insofar as it asks for approval for the installation of the several grade crossings, should be granted, subject to the conditions hereinafter specified. This application also asks the approval of a certain lease whereby the San Diego and Arizona Railway Company grants the applicant herein a right-of-way for the construction of the track of

which the proposed crossings would form a part. It does not appear that the acquisition of this right-of-way from the San Diego and Arizona Railway Company requires the approval of this Commission. It may be necessary, however, before such a lease can become valid, for the San Diego and Arizona Railway Company to make application under Section 51 of the Public Utilities Act for the approval of this Commission to execute such a lease encumbering its property. This portion of the present application relating to such lease should, therefore, be dismissed.

WHEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to San Diego Electric Railway Company to construct a spur track at grade across Broadway Street, E Street, F Street, India Street, G Street and Market Street, in the City of San Diego, County of San Diego, State of California, as shown by the plat 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 tops of rails flush with the pavement, and with grades of approach not exceeding two (2) 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 ninety (90) days from the date of this order, file with this Commission a certified

copy of a permit or franchise of the Common Council of the City of San Diego covering the construction of said crossings at grade.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(5) If said crossings 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 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 application asking approval of a lease of certain property from the San Diego and Arizona Railway Company to applicant be and it is hereby dismissed without prejudice.

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

Dated at San Francisco, California, this 17th day of December, 1924.

C. Seaver

Wm. Martin

J. T. Whitthey
Commissioners.