

Decision No. 14489.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of The Atchison, Topeka and Santa  
Fe Railway Company, a corporation,  
for authority to construct, maintain  
and operate a spur track over and  
across Kurtz street and over and  
across Winder Street, in the City  
of San Diego, County of San Diego,  
State of California.

Application No. 10753.

BY THE COMMISSION:

**ORIGINAL**

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above-entitled application with this Commission on the 19th day of January, 1925, asking for authority to construct a spur track at grade across Winder Street and along Kurtz Street in the City of San Diego, County of San Diego, State of California, as hereinafter set forth. The necessary franchise or permit, Ordinance No. 9729 and Ordinance No. 9765 have been granted by the Common Council of said City for the construction of said crossing at grade, 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 at the point mentioned in this application with said Winder and Kurtz Streets and that this application should be granted subject to the conditions hereinafter specified.

WHEREFORE, IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to The Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade across Winder Street and along Kurtz Street, in the City of San Diego, County of San Diego, State of California, as follows:

Beginning at a point in the center line of The Atchison, Topeka and Santa Fe Railway Company's existing track Number 52, located in Kurtz Street, said point of beginning being 8.5 feet southerly at right angles from the northern line of Kurtz Street, and 136.05 feet westerly from the western line of Winder Street; thence easterly 14.6 feet parallel with the northern line of Kurtz Street to the point of switch; thence easterly 501.3 feet along Kurtz Street, and crossing Winder Street on a line parallel with and 8.5 feet southerly from the said northern line of Kurtz Street to the prolongation of the western line of Bean Street,

and as shown by the map (Division Engineer's Drawing No. L-5-7420) 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 those portions of said streets now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding six (6) 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 27<sup>th</sup> day of January, 1925.

H. A. B. ...

A. ...

Egerton ...

George D. Squires

Commissioners.