

Decision No. 17531

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 and extend Euclid Avenue across the tracks and right of way of the San Diego and Arizona Railway Company, a corporation.

Application No. 13154.

BY THE COMMISSION:

O R D E R

The City Council of the City of San Diego, County of San Diego, State of California, filed the above entitled application with this Commission on the 3rd day of September, 1926, asking for authority to construct a public street, known as Euclid Avenue, at grade across the track of San Diego and Arizona Railway Company in said City of San Diego, as hereinafter set forth. Said San Diego and Arizona Railway Company has signified by letter that it has no objection to 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 with said track 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 Council of the City of San Diego, County of San Diego, State of California, to construct a street at grade across the track of the San Diego and Arizona Railway Company at the location hereinafter particularly described and as shown by the map (Exhibit "A") attached to the application.

### Description of Crossing

All that portion of Lot 41, Horton's Purchase of Rancho Ex-Mission of San Diego, according to map thereof No. 283, on file in the office of the County Recorder, San Diego County, California, and all that portion of Lot 16, of the Partition of Rancho Ex-Mission of San Diego, according to the Partition Map thereof in the case of Juan M. Luco et al., vs. The Commercial Bank of San Diego et al., Case No. 348 of the Superior Court, San Diego County, California, more particularly described and bounded as follows:

Beginning at a point on the east line of said Lot 41, distant 612.6 feet North from the Southeast corner thereof, said point being on the South line of the right-of-way of the San Diego and Arizona Railway Company; thence West along the South line of said right-of-way, a distance of 30 feet to a point; thence North along a line parallel to and distant 30 feet West from the East line of said Lot 41, a distance of 100 feet to a point on the North line of said right-of-way; thence East along said North line a distance of 30 feet to the east line of said Lot 41; thence South along the East line of said Lot 41, a distance of 40 feet to a point on the North line of said right-of-way in Lot 16, Partition of Rancho Ex-Mission; thence East along the North line of said right-of-way in said Lot 16, a distance of 30 feet to a point; thence South along a line parallel to and distant 30 feet East from the East line of 41, Norton's Purchase of Rancho Ex-Mission, a distance of 20 feet to a point on the South line of said right-of-way in Lot 16, Partition of Rancho Ex-Mission; thence West along the South line of railroad right-of-way in Lot 16 (erroneously stated in application as "South line of said Lot 16"), a distance of 30 feet to the East line of Lot 41, Horton's Purchase of Rancho Ex-Mission; thence South along the East line of said Lot 41, a distance of 40 feet to the point of beginning;

The above crossing shall be identified as Crossing No. 36D-6.1.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by the San Diego and Arizona Railway Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in

any manner whatsoever, to the operative property of the San Diego and Arizona Railway Company.

(2) The crossing shall be constructed of a width not less than thirty (30) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be constructed substantially in accordance with Standard No. 3 as specified in General Order No. 72 of this Commission; 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) The existing grade crossing located approximately one hundred (100) feet east from the crossing herein authorized shall be effectively closed to public use and travel upon completion of said crossing.

(4) An automatic flagman shall be installed and maintained for the protection of the said crossing. Said automatic flagman shall be of a type and installed in accordance with plans or data approved by the Commission. Initial cost of said flagman shall be borne by City of San Diego; maintenance cost shall be borne by San Diego and Arizona Railway Company.

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

(6) 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.

(7) 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 26<sup>th</sup> day of October, 1926.

H. B. Brandige  
C. C. Seaver  
Ernest Wood  
Thos. S. Rountree

Commissioners.