

Decision No. 17909

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the Matter of the Application of the City of San Diego for per- mission to construct and extend 47th Street under the tracks and right-of-way of the San Diego & Arizona Railway Company, a cor- poration.</p>)
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Application No. 13155.

BY THE COMMISSION:

O R D E R

The City of San Diego filed the above-entitled applica-
tion with this Commission on the 3rd day of September, 1926, asking
for authority to construct a public highway under the track of the
San Diego and Arizona Railway Company at 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 under-
grade crossing and it appears to this Commission that the present pro-
ceeding is not one in which a public hearing is necessary; that it
is in the interest of public convenience and necessity that the
undergrade crossing be constructed; that applicant has advised by let-
ter that it will bear the entire cost of construction and maintenance
of said undergrade crossing; and that the application should be
granted, subject to the conditions hereinafter specified, therefore

IT IS HEREBY ORDERED that the City of San Diego be and
it is hereby authorized to construct an undergrade crossing under
the track of San Diego and Arizona Railway in San Diego, substantially
in accordance with the plan marked Exhibit "A", attached to the ap-
plication, said crossing to be constructed at a location described as
follows:

All that portion of Lots 39 and 40 of Horton's Purchase of Rancho Ex-Mission of San Diego, according to map thereof No. 285 filed in the office of the County Recorder of San Diego County, California, more particularly described and bounded as follows:

Beginning at the intersection of the southeasterly line of the San Diego and Arizona Railway Company's right-of-way in said Lot 40 with the East line of said Lot 39, said point being distant 342.3 feet North from the Southeast corner of said Lot 39; thence Northeasterly along the Southeasterly line of said right-of-way, a distance of 21.14 feet to a point on a line parallel to and distant 20 feet East from the East line of said Lot 39; thence North along said line parallel to and distant 20 feet East from the East line of said Lot 39, a distance of 79.26 feet to a point on the Northwesterly line of said right-of-way; thence Southwesterly along said Northwesterly line a distance of 21.14 feet to a point on the East line of said Lot 39; thence South along said East line a distance of 13.21 feet to a point on the Northwesterly line of said right-of-way in said Lot 39; thence Southwesterly along said Northwesterly line, a distance of 51.70 feet to a point on a line parallel to and distant 30 feet West from the East line of said Lot 39; thence South along a line parallel to a distant 30 feet West from the East line of said Lot 39, a distance of 52.84 feet to a point on the Southeasterly line of said right-of-way; thence Northeasterly along said Southeasterly line, a distance of 51.70 feet to a point on the East line of said Lot 39; thence South along said East line, a distance of 13/21 feet to the point of beginning;

And as shown by the map (Exhibit "A") attached to the application. The above crossing shall be identified as Crossing No. 36D-5.5B.

Said undergrade crossing shall be constructed subject to the following conditions, namely:

(1) Said undergrade crossing shall provide a roadway of a width not less than 30 feet and two sidewalks of width not less than five feet six inches each.

(2) Said undergrade crossing shall be constructed with clearances conforming to provisions of the Commission's General Order No. 26-A.

(3) The existing crossing located 300 feet west of the undergrade crossing herein authorized shall be effectively closed to public use and travel upon completion of said undergrade crossing.

(4) The City of San Diego shall, within ninety (90) days from date hereof, file with this Commission a certified executed copy of the agreement between the interested parties relative to cost of construction and maintenance of said undergrade crossing. Said agreement shall be subject to the approval of this Commission. If said parties are unable to reach an agreement within said ninety days, the Commission will apportion the cost of said undergrade crossing by supplemental order.

(5) Applicant shall, before commencement of construction, file with this Commission, for its approval, a complete set of detail plans of the proposed grade separation.

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

(7) If said undergrade 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.

(8) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said undergrade 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 17th day of January, 1927.

Frank Deed
H. B. Brundige
C. Cleary
Leon C. White
Thos. J. Quinn

Commissioner.