

Decision No. 18342

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the matter of the application of the City of San Diego for permission to construct an extension of Rosecrans and Congress Street across the tracks of the Atchison, Topeka & Santa Fe Railroad Company, a corporation.

Application No. 13,517.

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 February, 1927, asking for authority to construct a public street known as Rosecrans Street at grade across one main and one spur track of the Atchison, Topeka and Santa Fe Railway Company, in the said City of San Diego as hereinafter set forth. Said Atchison, Topeka and Santa Fe Railway Company has signified by letter that it has no objection to the construction of said crossings 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 grade separations or to avoid grade crossings with said tracks at the points 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 Rosecrans Street at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company at the locations shown by the maps attached to the application.

The crossing of Rosecrans Street with the main line of The Atchison, Topeka and Santa Fe Railway Company shall be identified as Crossing No. 2-264.2.

The crossing of Rosecrans Street with the spur track of The Atchison, Topeka and Santa Fe Railway Company shall be identified as Crossing No. 2-264.2-C.

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

(1) The entire expense of constructing the crossings shall be borne by applicant. The cost of maintenance of those portions of said crossings outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of those portions of the crossings between lines two (2) feet outside of the outside rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossings shall be assessed by applicant, in any manner whatsoever, to the operative property of The Atchison, Topeka and Santa Fe Railway Company.

(2) The crossings shall be constructed of a width not less than forty (40) feet and at an angle of eighty (80) 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 Standard No. 1

crossing signs as specified in General Order No. 75 of this Commission and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) A wigwag conforming to the requirements of Standard No. 3, of General Order No. 75 of this Commission shall be installed for the protection of said crossing No. 2-264.2. Initial cost of installation shall be borne by applicant, City of San Diego, and the cost of its maintenance thereafter shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

(4) The existing public crossing over the main track of The Atchison, Topeka and Santa Fe Railway Company, identified as Crossing No. 2-264.3, and located approximately six hundred (600) feet south of Crossing No. 2-264.2, herein authorized, shall be legally abandoned and effectively closed to public use and travel.

(5) The existing public crossing over the spur track of The Atchison, Topeka and Santa Fe Railway Company, identified as Crossing No. 2-264.1-C, and located approximately four hundred (400) feet north of Crossing No. 2-264.2-C, herein authorized, shall be legally abandoned and effectively closed to public use and travel.

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

(7) 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.

(8) 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 <sup>103</sup>

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 13<sup>th</sup> day of May, 1927.

Ernest J. ...  
H. B. ...  
C. ...  
Leon ...  
... ..  
Commissioners.