

ORIGINAL

Decision No. 19239.

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 MERLIN DRIVE across the tracks of the San Diego & Arizona Railway at grade.

Application No. 14180.

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 28th day of October, 1927, asking for authority to construct a public street known as Merlin Drive at grade across the track of the Lakeside Branch Line of the San Diego & Arizona Railway Company, in said City of San Diego as hereinafter set forth. Said San Diego & 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 herein after 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 Merlin Drive at grade across the track of the Lakeside Branch Line of the San Diego & Arizona Railway Company at the location shown by the map (A-8) attached to the application.

The crossing shall be identified as Crossing No. 36D - 6.8.

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 San Diego & Arizona Railway Company. No portion of the initial cost herein assessed to applicant for the construction of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of San Diego & Arizona Railway Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than one (1) 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 a suitable crossing sign and shall in every way be made safe for the passage thereon 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.

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

Dated at San Francisco, California, this 10<sup>th</sup> day of January, 1928.

Leon Whipple  
Henry  
Emmery  
Paul R. Lott  
M. J. Linn  
Commissioners.