

WH:IR

Decision No. 10804

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 a grade crossing across
the tracks of the San Diego Electric
Railway Company between Midway Drive
and Newark Street.

Application No. 14638.

BY THE COMMISSION:

ORIGINAL

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 26th day of April, 1928, asking for authority to construct a public street between Midway Drive and Newark Street at grade across the tracks of San Diego Electric Railway Company in the said City of San Diego, as hereinafter set forth. Said San Diego Electric 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 tracks at the point mentioned in this application, and that this application should be granted, subject to the conditions hereinafter specified. However, it seems proper to announce at this time that if and when the proposed crossing becomes a link in an important highway artery, the Commission may find it necessary to impose some restrictions on train operation over the proposed grade crossing.

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

public street between Midway Drive and Newark Street at grade across the tracks of San Diego Electric Railway Company at the location shown by the map (Exhibit A) attached to the application.

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 Electric 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 San Diego Electric Railway Company.

(2) The crossing shall be constructed of a width not less than thirty (30) feet and at an angle of thirty-eight (38) degrees and nineteen (19) minutes to the railroad and with grades of approach not greater than four (4) 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 Standard No. 1 crossing sign, as specified in General Order No. 75 of this Commission and shall, in every way, be made suitable for the passage thereon of vehicles and other road traffic.

(3) A Standard No. 3 wig-wag, as specified in Commission's General Order No. 75, shall be installed for the protection of said crossing at the sole expense of applicant. The maintenance of said automatic flagman shall be borne by San Diego Electric Railway Company.

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

(5) 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.

(6) 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 23rd day of May, 1928.

Leon A. White

W. J. Scary

W. J. Scary

W. J. Scary

Commissioners.