

ORIGINAL

Decision No. 20139.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of The Atchison, Topeka and Santa
Fe Railway Company, a corporation,
for authority to construct a spur
track at grade across "A" Street,
and an alley in the City of San Diego,
County of San Diego, State of Califor-
nia.

Application No. 14,977.

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 20th day of August, 1928, asking for authority to construct two spur tracks at grade across an alley immediately south of "A" Street and one spur track across "A" Street in the City of San Diego, County of San Diego, State of California. The City of San Diego has signified by telegram 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 at the points mentioned in this application with said alley and "A" Street 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 Atchison, Topeka and Santa Fe

Railway Company to construct its spur tracks at grade across an alley immediately south of "A" Street and its spur track across "A" Street in the City of San Diego, County of San Diego, State of California, at the locations as shown by the map (Chief Engineer's Drawing No. 75-18546) attached to the application.

The "A" Street crossing shall be identified as Crossing No. 2-267.4-C.

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

(1) The entire expense of constructing the crossings together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing of "A" Street shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding two (2) per cent; 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 thereover of vehicles and other road traffic.

(3) No train, engine, motor or car shall be operated over said "A" Street crossing unless said train, engine, motor or car shall be under full control and unless traffic on the street be protected by a member of the train crew or other competent employee acting as flagman.

(4) This order is made upon the express condition that the alley immediately south of "A" Street is not now actually constructed and open to travel at the point of crossing, and said order shall not be deemed an authorization for the construction of an opening of said alley to public use across said railroad tracks.

(5) Said crossing of alley shall be so constructed that grades of approach not exceeding two (2) per cent will be feasible in the event that the construction of roadway along said alley shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover of vehicles and other road traffic.

(6) Applicant shall, within ninety (90) days, submit a certified copy of a franchise or permit from the City of San Diego for the construction of said crossings at grade, and in the event that this is not done, the authorization herein granted for the installation of said crossings shall lapse and shall thereupon become null and void and of no further force and effect.

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

(8) 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.

(9) 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 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 21st day of August, 1928.

Leon Whitell

Commissioner

M. J. Curran
Commissioners.