

Decision No. 29281

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of the SAN DIEGO AND ARIZONA RAIL-
WAY COMPANY, a corporation, for
authority to install a railroad in-
dustrial spur track across Newton
Avenue at the junction of Newton
Avenue and 13th Street in the city
of San Diego to serve industry.)

ORIGINAL

APPLICATION 15036.

BY THE COMMISSION:

O R D E R

San Diego and Arizona Railway Company, a corporation, filed the above-entitled application with this Commission on the 12th day of September, 1928, asking for authority to construct a spur track at grade across Newton Avenue in the city of San Diego, County of San Diego, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 11912) has been granted by the City Council of said city for the construction of said crossing at grade. 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 at the point mentioned in this application with said Newton Avenue, 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 San Diego and Arizona Railway Com-

pany, a corporation, to construct a spur track at grade across Newton Avenue in the city of San Diego, County of San Diego, State of California, at the location hereinafter particularly described and as shown by the map (E-140) attached to the application.

DESCRIPTION OF CROSSING:

Commencing at a point in the center line of track of the spur track now serving the Union Oil Company's distributing plant in the unnumbered Pueblo lot west of Pueblo Lot No. 1157, said point being south ten feet and N. $70^{\circ} 13'$ W. seventy-seven feet from the intersection of the northerly line of said unnumbered pueblo lot with the west line of 13th Street in the City of San Diego, California, thence south $70^{\circ} 13'$ east sixty-nine and nine-tenths feet, thence on a curve concave to the left with a radius of three hundred eighty-two and two-tenths feet a distance of seven feet to the west line of 13th Street, thence continuing on said curve concave to the left on a radius of three hundred and eighty-two and two-tenths feet and crossing 13th Street and Newton Avenue for a distance of one hundred and fifteen feet to a point on the northeasterly line of said 13th Street and Newton Avenue.

The above crossing shall be identified as a portion of Crossing No. 36D-1.7.

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

(1) The entire expense of constructing the crossing, together with the cost of its 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 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 without super-elevation and of a width to conform to that portion of said avenue now graded, with the tops of rails at same elevation as

existing rails and flush with the roadway, and with grades of approach not exceeding four (4) per cent; 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 suitable for the passage thereover 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 28th day of September 1928.

Leon O'Connell
Chairman

John P. ...

W. J. ...
COMMISSIONERS.