

Decision No. 21305.

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, operate and maintain an extension of spur track No. 75 across Courts Street, in the City of San Diego, County of San Diego, State of California.

ORIGINAL

Application No. 15725.

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 19th day of June, 1929, asking for authority to construct an extension of spur track No. 75 at grade across Courts Street, in the City of San Diego, County of San Diego, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 12344) 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 Courts 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 an extension of spur track No. 75 at grade

across Coutts Street, 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 (Division Engineer's Drawing No. I-4-10284) attached to the application.

DESCRIPTION OF CROSSING

Beginning at a point in the eastern line of Coutts Street 41.70 feet northerly from the northeast corner of Coutts Street and Kurtz Street; thence westerly 80.13 feet on a direct line making a southwest angle of 93 degrees 13 minutes from the said eastern line of Coutts Street to a point in the western line of Coutts Street 46.20 feet northerly from the northwest corner of Coutts and Kurtz Streets.

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 so constructed that grades of approach of four (4) per cent will be feasible in the event that the construction of roadway along said Coutts Street shall hereafter be authorized and so that said grade crossing may be made suitable for the passage thereover of vehicles and other road traffic.

(3) This order is made upon the express condition that Coutts 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 street to public use across said railroad track.

(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 28th day of June, 1929.

Frank Lott
Chas. S. Lewis
Edmund C. Scott
Leon A. Whitehall
M. J. Carr
 Commissioners.