

Decision No. 22001.

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 extend one of its tracks upon and across "D" and "E" Streets, in the Town of Encinitas, County of San Diego, State of California.

Application No. 16185.

**ORIGINAL**

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 26th day of December, 1929, asking for authority to construct a side track at grade across "D" and "E" Streets in the unincorporated Town of Encinitas, County of San Diego, State of California, as hereinafter set forth. The necessary franchise or permit (Exhibit "B") has been granted by the Board of Supervisors of said County for the construction of said crossings 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 grade separations or to avoid grade crossings at the points mentioned in this application with said "D" and "E" Streets 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 a side track at grade across "D" and "E" Streets in the unincorporated Town of Encinitas, County of San Diego, State of California, at the locations hereinafter particularly described and as shown by the map (Division Engineers Drawing No. L-4-10752) attached to the application.

DESCRIPTION OF CROSSINGS

"D" STREET:

The center line of said proposed track crosses the traveled portion of said road on a straight line, intersecting the prolongation of the center line of "D" Street 190.99 feet easterly from the east line of First Street and makes an angle of 82 degrees 42 minutes to the southwest with the said prolongation of the center line of "D" Street.

"E" STREET:

The center line of said proposed track crosses the traveled portion of said road on a straight line parallel to and 177.50 feet easterly from the east line of First Street.

The crossing of "D" Street shall be identified as a portion of Crossing No. 2-237.9 and the crossing of "E" Street shall be identified as a portion of Crossing No. 2-237.95.

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 crossings 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 superelevation and of a width to conform to those portions of said streets now graded, with the tops of rails at elevations as shown on the map attached to the application and flush with the roadway, and with grades of approach not exceeding six (6) 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) At such times as cars are allowed to stand on said track at a distance of less than one hundred feet from either property line of said "D" or "E" Streets, a member of the train crew or other competent employee shall protect the traffic on said street or streets by acting as a human flagman for all trains, engines, motors or cars operating over said streets on any track in the immediate vicinity.

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

(5) 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.

(6) 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 10th day of January, 1930.

Paul D. Lott

C. J. [unclear]  
[unclear]

Leon [unclear]

M. J. [unclear]  
Commissioners.