

Decision No. 23089

## 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 across Jutewood Street and  
in and along Vesta Street in the  
City of San Diego, California, and  
in and along Division Street in the  
City of National City, California. )

ORIGINAL

APPLICATION NO. 17001.

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 10th day of November, 1930, asking for authority to construct a spur track at grade across Jutewood Street (paper street), a portion of Vesta Street (paper street), Kingwood Street (paper street), Fisher Street (paper street), alley between Jutewood and Kingwood Streets (paper street), alley between Kingwood and Fisher Streets (paper street), a portion of Vesta Street, and a portion of Division Street, in the Cities of San Diego and National City, County of San Diego, State of California, as hereinafter set forth. The necessary franchises or permits (San Diego Ordinance No. 13000, National City Resolution No. 1598 (temporary permit) ) have been granted by the City Councils of said Cities, 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 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 spur track at grade across Jutewood Street (paper street), a portion of Vesta Street (paper street), Kingwood Street (paper street), Fisher Street (paper street), alley between Jutewood and Kingwood Streets (paper street), alley between Kingwood and Fisher Streets (paper street), a portion of Vesta Street, and a portion of Division Street, in the Cities of San Diego and National City, County of San Diego, State of California, at the locations more particularly described in the application and as shown by the map (Div. Engr's Drwg. No. L-9-10711) attached to the application.

The above crossings shall be identified as follows:

Vesta Street. Crossing No. 2-271.66-C,  
Division Street, Crossing No. 2-271.69-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) This order is made upon the express condition that Jutewood Street, Kingwood Street, Fisher Street, Vesta Street (between Jutewood and Fisher Streets), alleys (between Jutewood and Fisher Streets) are not now actually constructed and open to travel at the respective points of crossing, and this order shall not be deemed an authorization for the construction of an opening of said streets and alleys to public use across said spur track. Said track shall be so constructed that grades of approach not exceeding four (4) per cent will be

feasible, in the event that the construction of an opening of said streets and alleys across said spur track shall hereafter be authorized, and so that said grade crossings may be safe for the passage thereover of vehicles and other road traffic.

(3) Said crossings Nos. 2-271.66-C and 2-271.69-C 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 those portions of said streets now graded, with the tops of rails 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.

(4) Applicant shall, within ninety (90) days, submit a certified copy of a franchise or permit from the City of National City, for the construction of said crossings at grade in said City, and in the event that this is not done, the authorization herein granted for the installation of said crossings in National City shall then lapse and become void, unless further time is granted by subsequent order.

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

(6) 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.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, mainte-

nance 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 17<sup>th</sup> day of November, 1930.

C. S. Sweeney

Leon White

M. J. Carr  
Commissioners.