

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application of the CITY OF SAN DIEGO for an order authorizing the construction of Asher Street, at grade, across the tracks of The Atchison, Topeka & Santa Fe Railway Company.

Application No. 1112.

- T. B. Cosgrove, City Attorney, and
- S. J. Higgins, Deputy City Attorney,
for City of San Diego.
- M. W. Reed for The Atchison, Topeka &
Santa Fe Railway Company.
- J. M. Asher, in propria persona.

THELSEN, Commissioner.

O P I N I O N.

This is an application for an order authorizing the construction of Asher Street, at grade, across the tracks of The Atchison, Topeka and Santa Fe Railway Company at a point some five miles north of the foot of Broadway, in San Diego. Asher Street is one of the streets of the Asher Cloverleaf Terrace Subdivision of the City of San Diego. The street, as laid out on the officially accepted and recorded map of Asher's Cloverleaf Terrace Subdivision, runs in a southeasterly direction from the waters of Mission Bay, across the tracks and the 50-foot right-of-way of the Los Angeles and San Diego Beach Railway Company; thence across a narrow strip of property between this right-of-way and the right-of-way of The Atchison, Topeka and Santa Fe Railway Company; thence across the tracks and 100-foot right-of-way of The Atchison, Topeka and Santa Fe Railway Company; thence across another narrow strip of privately owned property; thence across the City Boulevard, 50 feet wide, here known as Elizabeth Street; and thence up the gentle slopes of the Asher Cloverleaf Terrace Sub-division.

As the application is now presented, the City of San Diego asks authority to construct Asher Street simply across

the tracks of The Atchison, Topeka and Santa Fe Railway Company so as to reach a station on the line of the Los Angeles and San Diego Beach Railway Company. It seems to be the intention, also, to continue Asher Street over the right of way and tracks of the Los Angeles and San Diego Beach Railway Company to the waters of Mission Bay, for the purpose of gaining access to the bay front, but the application in its present form is confined to the construction of this street across the tracks and right of way of The Atchison, Topeka and Santa Fe Railway Company.

At present, only one house has been constructed on this subdivision. The only way in which people in this general vicinity can conveniently reach the business section of San Diego by common carrier is by means of the Los Angeles and San Diego Beach Railway Company's local service between Asher Station and its terminus in San Diego. At present, The Atchison, Topeka and Santa Fe Railway Company has barred this access over its tracks by means of a barb wire fence, and the only way to reach the Asher Street Station of the Los Angeles and San Diego Beach Railway Company is to trespass across the property of The Atchison, Topeka and Santa Fe Railway Company.

There are no road crossings over the tracks of The Atchison, Topeka and Santa Fe Railway Company within a half mile on either side of Asher Street. There is no doubt that public convenience and necessity will require the opening of a crossing somewhere in this vicinity across the tracks of both The Atchison, Topeka and Santa Fe Railway Company and of the Los Angeles and San Diego Beach Railway Company. The particular crossing now desired, however, is a dangerous one by reason of the fact that only a few hundred feet to the south is situated what is known as Crown Point, through which the trains of The Atchison, Topeka and Santa Fe Railway Company pass by means of a thorough cut in a steep hillside in such a way that trains coming from the south would be almost upon

people crossing the tracks of this company at Asher Street, before they could be warned, unless expensive signal devices are installed.

Furthermore, if the crossing is now constructed on Asher Street, people who will hereafter live in the tract to the north will likewise demand a crossing. If the crossing were made by means of an extension of Littlefield Street, being the street next to the north of Asher Street, the danger would be avoided and this general territory would be much better served than by the extension of Asher Street.

While the application must be denied in its present form, such denial will be without prejudice to the filing of a new application covering a more satisfactory point of crossing, as herein indicated.

The City of San Diego will probably desire in its next application to cover the entire situation by including also a crossing over the tracks of the Los Angeles and San Diego Beach Railway Company, so as to give to the territory in this general vicinity access to Mission Bay.

I submit herewith the following form of order:

O R D E R.

CITY OF SAN DIEGO having filed its application for an order authorizing the construction of Asher Street, at grade, across the tracks of The Atchison, Topeka and Santa Fe Railway Company, and a public hearing having been held on said application, and the Railroad Commission finding that the point of proposed crossing is dangerous unless protected by expensive safety appliances and that the public convenience would be better served by a crossing

at a point north of the proposed crossing,

IT IS HEREBY ORDERED that this application be dismissed, without prejudice to the right of the City of San Diego to file a new application, as indicated in the opinion herein.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 13th day of January, 1915.

Max Thelen

Edwin D. Edgerston

John R. Deane

Commissioners.