

Decision No. 5091-

ORIGINAL

Decision No. _____

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
permission to operate a spur track
across Weeks Avenue and in and along
Garden Place, in the City of San Diego,
California.

Application No. 3490.

By the Commission.

ORDER.

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, a corporation, having on January 29, 1918, filed with the Commission an application for permission to operate a spur track across Weeks Avenue and in and along Garden Place, in the City of San Diego, California, as hereinafter indicated; and it appearing to the Commission that this is not a case in which a public hearing is necessary; that permission for the construction and operation of this track has been granted by the Common Council of the City of San Diego; and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said streets, and that this application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be hereby granted THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY to operate a spur track across Weeks Avenue and in and along Garden Place, in the City of San Diego, California, described as follows:

"Beginning at a point on the center line and at the end of the present spur track, known as Hardy's spur, of The Atchison, Topeka and Santa Fe Railway Company; thence continuing northeasterly on the same

straight line as the present spur to a point where a curve with a radius of 382.04 feet, tangent to said straight line, would connect tangent to a line parallel to and 20 feet southeasterly from the northwesterly line of Garden Place; thence northeasterly on a curve having a radius of 382.04 feet to a point where it becomes tangent to a line parallel to and 20 feet southeasterly from the northwesterly line of Garden Place; thence northeasterly on a straight line parallel to and 20 feet southeasterly from the northwesterly line of Garden Place to the southwesterly line of Linda Avenue.

All of the above as shown by the map attached to the application; said crossings to be constructed subject to the following conditions, viz.:

(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 of a width and type to conform to those portions of the streets to be crossed now graded, with grades of approach not exceeding four (4) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) 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

seen right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 31st day of January, 1918.

Max Theiler
H. D. Donald
W. G. Gordon
Edwin O. Edgerton

Commissioners.