

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of MEXICO AND SAN DIEGO RAILWAY COMPANY for permission to construct its railway at grade, across 22 public highways from an intersection with the track of the San Diego and South Eastern Railway Company with Ninth Street in the South San Diego Company's addition to South San Diego to the proposed terminus in Imperial Extension No. 1, and to purchase property of San Diego and Imperial Beach Railway Company.

Application No. 441.

Leovy & Leovy for applicant.

TEBLEN, Commissioner.

O P I N I O N . .

This is an application to construct a line of railway across twenty-two public highways in the southwestern portion of San Diego county, as will hereafter be indicated in greater detail, and to purchase certain ties and rails heretofore operated by what was known as the San Diego and Imperial Beach Railway Company.

Several years ago, the South San Diego Investment Company platted and started the sale of property in what is known as Imperial Beach, being unincorporated territory situated on the Pacific Ocean, in the southwestern portion of San Diego county, south of the city of San Diego and a mile or more northerly from the Mexican boundary line. At that time the Investment Company laid a single track line of railway from the ocean beach to an intersection with the tracks of what was known as the Coronado Belt Line, now owned by the San Diego and South Eastern Railway Company, the point of intersection being in the South San Diego Company's addition to South San Diego. This line of railroad was operated for a while by a gasoline motor car, but in or about April, 1911, an accident happened on this line of railroad, resulting in the loss of a life and in the payment of heavy damages by the South San Diego Investment Company. There are numerous sharp curves in the track as now laid, and the rails

are entirely too light for operation. The stock of the South San Diego Investment Company has now been acquired by E. S. Babcock and L. M. Drown, who are planning to push the development of Imperial Beach. During the month of February, 1913, they incorporated the Mexico and San Diego Railway Company for the purpose of building a line of railway between the city of San Diego and a point on the boundary line between California and Mexico, near the Pacific Ocean between Tic Juana and the Pacific Ocean. The estimated length of the railroad is alleged to be about 18 miles. Capital stock to the amount of \$18,000 has been subscribed for and ten per cent thereof has been paid into a treasurer, in accordance with the provisions of the Civil Code. It is proposed now, as a part of this railroad, to construct a new line of railroad from Imperial Beach to the tracks of the San Diego and South Eastern Railway Company in South San Diego, entirely through unincorporated territory, along the route designated in the application, being along what is known as Ninth Street in South San Diego, from the point of intersection with the tracks of the San Diego and South Eastern Railway Company across C, D, E, F, G, H, I, and J streets to Coronado Avenue, thence westerly along Coronado Avenue and across Tenth and Eleventh streets in South San Diego to a point in Imperial Beach to where said Avenue intersects at right angles an avenue of the same name running northerly and southerly, thence running with two tracks, one northerly and one southerly along and upon said last named avenue, one of said tracks running southerly on said avenue and terminating on the southerly boundary of Encanto Avenue in Imperial Beach Extension No. 1, and the other running northerly along Coronado Avenue across Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth streets in Imperial Beach.

The applicant desires also to purchase the old ties and rails which seem to have belonged to the South San Diego Beach Company and to have been operated under the name of a company called the San Diego and Imperial Beach Railway Company. The old rails will be exchanged in so far as their value goes for new rails, to be used in connection with the new line of railroad and such of the

ties as are still useable will also be used for the new line of railroad. It is proposed to operate the new line of railroad by means of two electric storage battery cars, and either to connect with trains of the San Diego and South Eastern Railway Company or to secure trackage rights over a portion of the tracks of said Company to a point of connection with said Company's operated trains.

None of the streets to be intersected are graded, the entire territory, with the possible exception of Coronado Avenue and F street being still in its natural condition.

Notices of the hearing were posted on the ground, as well as published in a San Diego paper, but no one appeared in opposition to the application.

I recommend that the application be granted and submit herewith the following form of order:

O R D E R

MEXICO AND SAN DIEGO RAILWAY COMPANY having applied for an order authorizing the construction of its line of railway at grade, across twenty-two (22) public highways in the proposed construction of its line of railroad from the intersection of the track of the San Diego and South Eastern Railway Company with Ninth street, in the South San Diego Company's addition to South San Diego, to the proposed terminus on the easterly boundary of Encanto Avenue, in the sub-division known as Imperial Extension No. 1, which said streets are more specifically set out in the application herein, and to purchase the ties and rails owned by the South San Diego Investment Company, and several years ago operated under the name of San Diego and Imperial Beach Railway Company, and a public hearing having been held on said application,

IT IS HEREBY ORDERED that the application be, and the same is hereby granted subject to the following conditions, viz:

(1) The applicant shall at its own expense construct and hereafter maintain said twenty-two public highway crossings in good and first-class condition for the safe use of the public. The crossings at "F" Street and near the westerly end of Coronado Street shall be constructed at the time the track is laid. The crossings at the remaining streets shall be constructed as public necessity demands. The crossings shall be constructed of such width as may be necessary for the safe and convenient passage thereover of vehicles and other road traffic and shall be ballasted with gravel or other suitable material.

(2) 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 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 1st day of April, 1913.

H. D. Loveland
Alex. Gordon
Max Thelen
Edwin O. Edgerton

Commissioners.