

Decision No. 7610.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
 City of San Diego, County of San Diego,
 State of California, for authority to
 construct a public street or highway
 across the tracks and right of way of
 the Atchison, Topeka and Santa Fe Rail-
 way Company, being the extension of the
 southerly one-half of Tide Street.

Application No. 5682.

By the Commission:

O R D E R

The City of San Diego having, on May 12, 1920, filed an application with the Commission for permission to construct a public street or highway at grade across the tracks and right of way of the Atchison, Topeka and Santa Fe Railway Company, being the extension of the southerly one-half of Tide Street, in the City of San Diego, County of San Diego, State of California, as shown by the map attached to the application; it appearing to the Commission that this is not a case in which a public hearing is necessary; that the Atchison, Topeka and Santa Fe Railway Company has consented to the construction of said proposed crossing at grade; and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said railroad, and that this application should be granted subject to the conditions hereinafter specified:

IT IS HEREBY ORDERED, That permission be and the same is hereby granted the City of San Diego to construct

a public street or highway at grade across the tracks and right of way of the Atchison, Topeka and Santa Fe Railway Company, being the extension of the southerly one-half of Tide Street, in the City of San Diego, County of San Diego, State of California, as shown by the map attached to the application; said crossing to be constructed subject to the following conditions, viz:

(1) Said crossing shall be constructed of a width of not less than twenty-six (26) feet, with grades of approach not exceeding five (5) per cent; shall be protected by a suitable crossing sign and shall, in every way, be made safe for the passage thereover of vehicles and other road traffic.

(2) The entire expense of constructing the crossing shall be borne by the applicant. The expense of its maintenance thereafter in good and first-class condition, for the safe and convenient use of the public, shall be borne by the applicant, with the exception of that portion between the rails and two (2) feet outside thereof, which shall be borne by the Atchison, Topeka and Santa Fe Railway Company.

(3) The automatic flagman heretofore installed at Wright Street is to be removed from its present location and relocated and installed at the crossing applied for in this application.

(4) The City shall, at its own expense, cut down, excavate and remove the embankment or hill along the easterly side of the railway company's right of way adjacent to and immediately north of the proposed crossing.

(5) The Commission reserves the right to make

