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Decision No. 7843

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
San Diego and Arizona Railway Company  
for permission to construct and operate  
an extension of the stem of its rail-  
road wye at grade across Newton Avenue,  
San Diego, County of San Diego, Calif-  
ornia.

Application No. 5869.

By the Commission,

O R D E R

San Diego and Arizona Railway Company, a corporation, having on June 28th, filed with the Commission an application for permission to construct and operate an extension of the stem of its railroad wye, at grade, across Newton Avenue in the City of San Diego, County 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 the necessary franchise or permit has been granted by the Common Council of the City of San Diego for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said Avenue, and that this application should be granted subject to the conditions hereinafter specified.

IT IS HEREBY ORDERED, That permission be hereby granted San Diego and Arizona Railway Company to construct and operate an extension of the stem of its railroad wye, at grade, across Newton Avenue in the City of San Diego, County of San Diego, California, described as follows:-

Commencing at a point on the south line of Newton Avenue 90 feet east along said south line of Newton Avenue from the intersection of the prolongation of the easterly line of 16th street with the said southerly line of Newton Avenue; thence northeasterly at right angles to said southerly line of Newton Avenue 80 feet to the north line of Newton Avenue and the south line of Block 132 of Manasse and Schillers' Addition in the City of San Diego, California, thence continuing along Lot 4 in said block and across the public alley in said block and along Lot 45 in said block to the south line of National Avenue.

All of the above as shown by the map marked E-126 attached to the application; said crossing to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition, for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of Newton Avenue as now graded, with grades of approach not exceeding four (4) 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.

(3) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing 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.

Dated at San Francisco, California, this 9<sup>th</sup> day of July, 1920.

H. D. Loveland  
Frank P. ...  
H. T. Brundage

Commissioners.