

Decision No. 28433.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of the CITY OF SAN DIEGO for per-
mission to improve its street and
public highway known as Jellett
Street across the tracks of The
Atchison, Topeka & Santa Fe Rail-
road Company, a corporation.

Application No. 20881

ORIGINAL

BY THE COMMISSION:

O R D E R

The City Council of the City of San Diego on November 18, 1936, applied for authority to widen and improve an existing narrow grade crossing of Jellett Street with The Atchison, Topeka and Santa Fe Railway Company's main line track. The railway company, on December 3, 1936, signified, in writing, that it has no objection to the reconstruction of this grade crossing.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said track at the point mentioned and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the City Council of the City of San Diego, in the County of San Diego, State of California, is hereby authorized to widen and improve Jellett Street at grade across the track of The Atchison, Topeka and Santa Fe Railway Company, at the location more particularly described in the application and as shown by the maps attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 2-261.8.

- (2) The entire expense of widening and improving the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company. No portion of the cost herein assessed to applicant for the reconstruction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of The Atchison, Topeka and Santa Fe Railway Company. The Atchison, Topeka and Santa Fe Railway Company shall perform all actual work of reconstructing the crossing between lines two (2) feet outside of the rails.
- (3) The crossing shall be reconstructed to a width of not less than twenty (20) feet and at an angle of approximately ninety (90) degrees to the railroad and with grades of approach not greater than ten (10) per cent; shall be constructed equal or superior to type shown as standard No. 2 in this Commission's General Order No. 72, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Two standard No. 4 wigwags (side-of-street type), as specified in General Order No. 75-A of this Commission, shall be installed at the sole expense of applicant, for the protection of said crossing of Jellett Street, Crossing No. 2-261.8. The maintenance of these protective devices shall thereafter be borne by The Atchison, Topeka and Santa Fe Railway Company.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the improvement of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.
- (7) 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 4th day of January, 1937.

Mathias
Leon
Francis

Commissioners