

Decision No. 23602.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application for permission of San Diego Electric Railway Company to lease trackage rights to the San Diego & Arizona Eastern Railway Company for use as a temporary industrial track to serve the San Diego Consolidated Gas and Electric Company power house.

Application No. 21027.

ORIGINAL

BY THE COMMISSION:

ORDER

San Diego Electric Railway Company, a corporation, on February 19, 1937, applied for authority to lease trackage rights to the San Diego and Arizona Eastern Railway Company over certain tracks in the vicinity of the intersection of Kettner Boulevard and Broadway, City of San Diego, County of San Diego, State of California, all as shown on the map attached to the application.

Applicant alleges that the use of these tracks is needed temporarily by San Diego and Arizona Eastern Railway Company in order to deliver materials and machinery to the plant of San Diego Consolidated Gas & Electric Company, which is located in the immediate vicinity.

It appears that a public hearing is not necessary in this matter and that the application should be granted, therefore,

IT IS HEREBY ORDERED that San Diego Electric Railway Company is hereby authorized to lease to San Diego & Arizona Eastern Railway Company temporary trackage rights over certain tracks in the vicinity of the intersection of Kettner Boulevard

and Broadway, in the City of San Diego, County of San Diego, State of California, as shown in red on the map (marked Exhibit "A") attached to the application, and in accordance with the terms of an agreement dated February 6, 1937, a copy of which is attached to the application, subject to the following conditions:

- (1) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the lease herein authorized and of its compliance with the conditions hereof.
- (2) Applicant shall, within thirty (30) days thereafter, notify this Commission of cancellation of the lease for temporary use of said tracks by said San Diego and Arizona Eastern Railway Company.
- (3) The authorization herein granted shall not be construed as a determination of the value of said property for any purpose other than the lease herein authorized.
- (4) 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.

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

Dated at San Francisco, California, this 15th day of March, 1937.

Walter H. ...
Leon ...
Frank ...
Ray & Alley
Commissioners