

Decision No. 33382.

ORIGINAL

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 streets and
public highways known as Palm Street
and Vine Street across the tracks of
the Atchison, Topeka & Santa Fe Rail-
road Company, a corporation.

Application No. 23576.

BY THE COMMISSION:

O R D E R

The City Council of the City of San Diego, County of San Diego, State of California, on July 15, 1940, applied for authority to construct public streets known as Vine Street and Palm Street at grade across the main line track of The Atchison, Topeka and Santa Fe Railway Company, in the said City of San Diego.

It appearing that a public hearing is not necessary herein, that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings with said track at the points 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 construct Vine and Palm Streets at grade across the track of The Atchison, Topeka and Santa Fe Railway Company, at the locations as shown by the maps attached to the application, subject to the following conditions and not otherwise:

- (1) The above crossings shall be identified as follows:

Vine Street - Crossing No. 2-265.8
Palm Street - Crossing No. 2-266.4

- (2) The entire expense of constructing the crossings shall be borne in accordance with the terms of an agreement to be entered into between applicant and The Atchison, Topeka and Santa Fe Railway Company, copies of which agreement shall be filed with this Commission within one hundred and eighty (180) days from the date hereof. The cost of maintenance of those portions of said crossings up to lines two (2) feet outside the rails shall be borne by applicant. The maintenance of those portions of the crossings between lines two (2) feet outside the rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company. The Atchison, Topeka and Santa Fe Railway Company shall perform all actual work of constructing the crossings between lines two (2) feet outside the rails.
- (3) The crossings shall be constructed of widths of not less than fifty-two (52) feet and at angles to the railroad as shown by the exhibits attached to the application, and with grades of approach not greater than ten (10) per cent at the Vine Street crossing and sixteen and five-tenths (16.5) per cent at the Palm Street crossing; shall be constructed equal or superior to types 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. 2 wigwags (side-of-street type), as specified in General Order No. 75-B of this Commission, shall be installed, at the sole expense of applicant, for the protection of each of the crossings authorized herein (Crossings Nos. 2-265.8 and 2-266.4); 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 installation of said crossings and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one 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 crossings, 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 30th day of July, 1940.

Francis A. Allen
Robert W. Baker
Arthur J. Coe
 Commissioners.