

Decision No. 35959

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

IN THE MATTER OF THE APPLICATION OF
THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY, A CORPORATION, THE
SAN DIEGO AND ARIZONA EASTERN RAILWAY
COMPANY, A CORPORATION, AND UNITED
STATES OF AMERICA, NAVY DEPARTMENT

Application No. 25347

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, the San Diego and Arizona Eastern Railway Company, a corporation, and the United States of America, Navy Department, on November 2, 1942, filed an application stating that the Navy Department desires to construct, maintain and operate a spur track at grade across the main line tracks of both railroads in the City of San Diego, County of San Diego, State of California. Movements over the proposed grade crossing to be protected by a second class interlocking plant, the cost of which is to be borne by the United States Navy Department.

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 at the points mentioned, and that the application should be granted, subject to certain conditions:

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company and the San Diego and Arizona Eastern Railway Company are hereby authorized to join with the United States Navy Department in the construction, maintenance and operation of a spur track at grade across the main line of The Atchison, Topeka and Santa Fe Railway Company and the San Diego and Arizona Eastern Railway Company, near 32nd Street in the City of San Diego, to serve the United States Navy Marine Repair Base at the location and in the manner shown upon print of station map of the San Diego and Arizona Eastern Railway Company, dated August 29, 1942, marked Exhibit "E", and attached to application, subject to the following conditions:

- (1) The entire expense of constructing and thereafter maintaining the crossings, including second class interlocker therefor, in good and first class condition for safe and convenient railway use, shall be borne by the United States of America Navy Department.
- (2) Said crossings shall be protected by a second class interlocking plant in conformity with the provisions of the Commission's General Order No. 33-B and in accordance with the plans hereby approved by this Commission.
- (3) Until the second class interlocker is placed in service all engines, cars and trains, before passing over said grade crossings, shall come to a full stop not less than fifty (50) feet or more than one hundred (100) feet therefrom and, after ascertaining that no trains are approaching the crossings on the intersecting line, may then proceed over said crossings.
- (4) Within thirty (30) days thereafter this Commission shall be notified, in writing, of the completion of the installation of said crossings and of compliance with the conditions hereof.

- (5) As soon as executed the applicants shall file with this Commission a certified copy of the mutual understandings and agreements arrived at with reference to the construction, maintenance and operation of said crossings and said interlocking plant.
- (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 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 12th
day of November, 1942.

M. J. Baker
Francis D. Havenney
Richard L. Adams