Decision No. 37398

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of The Atchison, Topeka and Santa Fe Railway Company, a corporation, and the United States of America, Navy Department, for authority to construct, maintain and operate two spur tracks at grade across the main line and the Cleveland Avenue spur, near 13th Street, in the City of National City, County of San Diego, State of California.

ORIGINAL

) Application No. 26353

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, and the United States of America. Navy Department, on September 21, 1944, applied for authority to construct three rail crossings at grade on the main line and the Cleveland Avenue spur of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of 13th Street in the City of National City, County of San Diego, State of California.

. 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 United States of America, Navy Department, are hereby authorized to construct three rail crossings at grade near 13th Street in the City of National City, County of San Diego, State of California, at the locations more particularly described in the application, and as shown marked in red by the map marked Exhibit "A" attached thereto, subject to the following conditions:

- (1) The entire expense of constructing and thereafter maintaining the crossings in good and first-class condition for safe and convenient railway use, the method of operation, and the allocation of other expenses which may be incurred in connection with the use of the crossings shall be agreed to in writing and a certified copy of such agreement shall be filed with the Commission within six months after the date of this order.
- In the use of the crossings delineated (2) on Exhibit "A," all engines, cars, or trains in any direction will come to a stop not less than ten feet (10°) nor more than fifty feet (50°) from the nearest rail of the first crossing approached or the nearest connecting rails of its adjacent tracks, and will not proceed thereafter until receiving an appropriate signal from a flagman or other qualified employee. Such signal shall not be given until it has been definitely ascertained that no engines, cars, or trains are approaching from either direction on the conflicting routes, under conditions which will render it possible for an interference to occur with the movement about to be made over the crossings. In the event of simultaneous stops being made by movements on the conflicting routes, the engines, cars, or trains of The Atchison, Topeka and Santa Fe Railway Company shall take precedence in the use of the crossing.
- (3) Operating bulletins of The Atchison, Topeka and Santa Fe Railway Company and the United States of America, Navy Department, governing the use of the rail crossings herein authorized under the conditions herein outlined, shall be filed with the Commission on or before the date when operation over the crossings is commenced.

Within thirty days after completion pursuant to this order, the Commission shall be so advised in writing. This authorization shall become void if not exercised within one year unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or

safety so require. This order shall be effective immediately.

Dated at San Francisc California, this 10 th day of

October, 1944.