

Decision No. 38643

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SAN DIEGO ELECTRIC RAILWAY COMPANY, a corporation, to (1) establish bus service on certain new routes; (2) reroute certain present bus lines; (3) abandon bus service on certain routes in connection with the proposed rerouting; (4) provide for crossing protection where buses will cross main line railroad tracks and to apportion cost among interested carriers; and (5) provide for the installation of "Exempt Signs" in accordance with Section 576 of the Vehicle Code and Rule 2.214 of General Order No. 93-A of the Railroad Commission, at crossings of spur tracks by buses.

Application No. 26737

ORIGINAL

BY THE COMMISSION:

SECOND INTERIM ORDER

San Diego Electric Railway Company, a corporation, in this proceeding seeks an order authorizing certain new routes; rerouting of certain present routes; and abandonment of bus service on certain other routes in connection with modification of passenger stage service in and about the City of San Diego.

Applicant was issued an in lieu certificate of public convenience and necessity by the order in Decision No. 37737 in Application No. 26570, and amended in part by the interim order in Decision No. 37955 in Application No. 26737. The application also included a request for exemption from stopping buses at nine spur track crossings in the vicinity of San Diego, which, until now, has not been acted upon. In this connection, applicant requests that it be authorized to establish bus "exempt signs" at certain grade crossings with railroad spur tracks and also the Commission to require the establishment of a human flagman at the crossing of the main track of The Atchison, Topeka and Santa Fe Railway Company and the San Diego and Arizona Eastern Railroad Company at the foot of Fifth Avenue, and apportion the cost of said protection between applicant and the two carriers. Negotiations are under

way relative to the Fifth Avenue crossing and a decision in this matter will be incorporated in a subsequent order.

It appears that the request to establish bus stop exemptions at the locations shown in this application is reasonable, and that it is not a matter in which a public hearing is necessary, and that the request should be granted.

SECOND INTERIM ORDER

IT IS HEREBY ORDERED that approval is granted for the installation and display of distinctive "exempt signs" at the following spur track grade crossings:

The Atchison, Topeka and Santa Fe Railway Company

<u>Crossing No.</u>	<u>Location</u>	<u>City</u>	<u>County</u>
2-268.66-C	Harbor Drive	San Diego	San Diego
2-268.86-C	Harbor Drive	San Diego	San Diego
2-270.5-C	Harbor Drive	San Diego	San Diego
2-270.97-C	Harbor Drive	San Diego	San Diego
2-271.22-C	Harbor Drive	San Diego	San Diego
2-271.4-C	Harbor Drive	San Diego	San Diego
2-271.50-C	Harbor Drive	San Diego	San Diego
2-272.8-C	Eighth Street	National City	San Diego

San Diego & Arizona Eastern Railway Co.

<u>Crossing No.</u>	<u>Location</u>	<u>City</u>	<u>County</u>
36-2.3 (spur track portion only)	Harbor Drive	San Diego	San Diego

subject to the following conditions:

- (1) Said "exempt signs" shall be in accordance with the requirements of G. O. No. 93-1.
- (2) Those authorities designated and empowered by the California Vehicle Code to erect and maintain highway traffic signs shall erect or cause to be erected and maintained said "exempt signs".
- (3) The approval herein granted does not exempt the operator of any vehicle from observance of any provision of the California Vehicle Code pertaining to the operation of vehicles at railroad

crossings.

(4) In the event of removal for any cause whatsoever or the obstruction to view of the "exempt signs" herein provided, the authority granted to move over said spur track crossing without first coming to a full and complete stop is annulled and revoked, and such full and complete stop must at all times be made by the operator of the vehicle until such sign is again displayed.

(5) The Commission reserves the right to make such further orders relative to the establishment of said "exempt signs" as to it may seem right and proper, and to revoke its approval if in its judgment public convenience and necessity demand such action.

For all other purposes the order in Decision No. 37737, dated March 20, 1945, as amended by Decision No. 37955, dated June 5, 1945, in Application No. 26570, shall remain in full force and effect.

This order shall be effective immediately.

Dated, San Francisco, California, this 26<sup>th</sup> day of June 1945.

Harold Anderson  
Justus F. Cooney  
Richard K. ...  
Frank Powell

COMMISSIONERS