

ORIGINAL

Decision No. 12245

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of application of Southern Pacific Company for an order authorizing the construction at grade of a spur track crossing 10th Street, in the City of Berkeley, County of Alameda, State of California.

) Application No. 9112.  
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BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, having on June 9, 1923, filed with the Commission an application for permission to construct a spur track at grade across Tenth Street in the City of Berkeley, County of Alameda, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit (Resolution No. 12775 N.S.) has been granted by the Council of said City of Berkeley for the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said Tenth Street, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted Southern Pacific Company to construct a spur

track at grade across Tenth Street in the City of Berkeley,  
County of Alameda, State of California, described as follows:

Beginning at a point on the easterly line of Tenth Street distant thereon northerly a distance of thirty-eight and two-tenths (38.2) feet plus or minus from the intersection of the said easterly line of Tenth Street with the northerly line of Parker Street; thence in a southwesterly direction a distance of sixty (60) feet to a point on the westerly line of Tenth Street; which point is distant thereon northerly a distance of thirty-eight and two-tenths (38.2) feet from the intersection of the said westerly line of Tenth Street with the northerly line of Parker Street.

All of the above as shown by the map (Western Division Drawing L-35) attached to the application; said crossing to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of said street now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such fur-

their orders relative to the location, construction, operation maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience demand such action.

This order shall become effective three (3) days after the making thereof.

Dated at San Francisco, California, this 23<sup>rd</sup> day of June, 1923.

C. Seaver  
H. B. Brundage  
Dwight Martin

Commissioners.