

Decision No. 14978.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of Spur Track across Snyder Avenue, in the City of Berkeley (Stockyard Station) County of Alameda, State of California.

Application No. 11,128.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 19th day of May, 1925, asking for authority to construct a spur track at grade across Snyder Avenue in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (14325 N. S.) has been granted by the City Council of said City of Berkeley for the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation, or to avoid a grade crossing at the point mentioned in this application with said Snyder Avenue and that this application should be granted subject to the conditions hereinafter specified.

THEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to Southern Pacific Company to construct a spur track at grade across Snyder Avenue, in the City of Berkeley, County of Alameda, State of California, as follows:

Beginning at a point on the southerly line of Snyder Avenue, 106 feet more or less easterly from the intersection of the said southerly line of Snyder Avenue with the easterly line of the right of way of the Southern Pacific Railroad Company's main line from Oakland Pier to Port Costa, in the City of Berkeley, Alameda County, California; thence on a line in a north-easterly direction a distance of 70 feet more or less to a point on the northerly line of Snyder Avenue, which point is 142 feet more or less from the intersection of the said northerly line of Snyder Avenue with the said easterly right of way line of the Southern Pacific Railroad Company, and being the center line of a portion of a spur track.

and as shown by the map (Western Division; Drawing S-379, Sheet 1) 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 Snyder Avenue now graded, with the tops of rails flush with the roadway, 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) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such

further 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 and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 27th day of May, 1925.

H. B. Rosendick
C. A. Seaver
Egerton Shaw
Frank J. Scott

Commissioners.