

Decision No. 16296

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of
SOUTHERN PACIFIC COMPANY for an
order authorizing the construc-
tion at grade of a spur track
across a portion of Second Street
(Corbin Station), in the City of
Berkeley, County of Alameda,
State of California.

Application No. 11558.

BY THE COMMISSION:

ORDER

ORIGINAL

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 8th day of August, 1925, asking for authority to construct a spur track at grade across a portion of Second Street in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 14,513 N.S.) has been granted by the City Council of said City for the construction of said crossing at grade. The track, as proposed, will be constructed for a distance of ninety feet with its center line eight feet six inches easterly from the westerly line of Second Street, which is not in accordance with the Commission's General Order No. 26-a. 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 Second Street 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 a portion of Second Street, in the City of Berkeley, County of Alameda, State of California, as follows:

Beginning at a point in Second Street in the City of Berkeley, State of California, which said point is distant N. $14^{\circ} 24'$ W. 34 feet more or less from the northerly line of Camelia Street and also distant N. $75^{\circ} 36'$ E. 8.5 feet from the westerly line of said Second Street, thence from said point of beginning N. $14^{\circ} 24'$ W. Parallel with the said westerly line of Second Street, 90 feet more or less to a point; thence on the arc of a curve concave to the right having a radius of 458.59 feet (whose tangent at the last described point bears N. $14^{\circ} 24'$ W.) a distance of 95.4 feet more or less to a point; thence N. $2^{\circ} 29'$ W. 44.4 feet more or less to a point; thence on the arc of a curve concave to the left having a radius of 458.59 feet (whose tangent at the last described point is the last described course) a distance of 30.0 feet more or less to a point; thence N. $6^{\circ} 14'$ W. 15 feet more or less to the point of frog of a standard No. 7 turnout; thence continuing northerly through the curvature of said standard No. 7 turnout 62.6 feet more or less to the point of switch, said point being distant N. $75^{\circ} 36'$ E. 39.6 feet more or less from the aforesaid westerly line of Second Street and distant N. $14^{\circ} 24'$ W. 368.9 feet more or less from the aforesaid northerly line of Camelia Street; the above described line being the center line of a railroad spur track.

and as shown by the map (Western Division C-146) 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 tops 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) 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) Nothing in this order shall be construed as an authorization by this Commission for the construction of a track in such a manner as will be contrary to any of the provisions of General Order No. 26-a of this Commission.

(6) 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 13th day of August, 1925.

C. Healey

George D. Squires

Leon Whitell

Commissioners.