

Decision No. 15531

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 drill track
across Folger Avenue, Murray
Street, Ashby Avenue and Bur-
nette Street, in the City of
Berkeley, County of Alameda,
State of California.

ORIGINAL

Application No. 11772.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 2nd day of October, 1925, asking for authority to construct a drill track at grade across Folger Avenue, Murray Street, Ashby Avenue and Burnette Street, in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 14612 N.S.) has been granted by the City Council of said City for the construction of said crossings at grade. 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 grade separations, or to avoid grade crossings at the points mentioned in this application with said streets 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 drill track at grade across Folger Avenue, Murray Street, Ashby Avenue and Burnette Street, in the City of Berkeley, County of Alameda, State of California, as follows:

FOLGER AVENUE:

Beginning at a point on the southerly line of Folger Avenue, distant easterly 26 feet more or less measured at a right angle to the center line between tracks of the 9th Street Electric Line; thence northerly across Folger Avenue on a curve to the left, with a radius of 981.04 feet, concentric with aforesaid center line between tracks, an arc distance of 75 feet more or less to a point on the northerly line of Folger Avenue.

MURRAY STREET:

Beginning at a point on the southerly line of Murray Street, distant easterly 30 feet more or less measured at a right angle to the center line between tracks of the 9th Street Electric Line; thence northerly across Murray Street on a curve concave to the left with a radius of 286.843 feet, an arc distance of 50 feet more or less to a point on the northerly line of Murray Street, distant easterly 28 feet more or less measured at a right angle to the aforesaid center line between tracks on the 9th Street Electric Line.

ASHBY AVENUE:

Beginning at a point on the southerly line of Ashby Avenue distant thereon easterly 21.4 feet more or less from the center line between tracks of the 9th Street Electric Line; thence northerly crossing Ashby Avenue a distance of 60 feet to a point on the northerly line thereof, distant 22 feet easterly at right angles from said center line between tracks.

BURNETTE STREET:

Beginning at a point on the southerly line of Burnette Street distant thereon easterly 47 feet more or less from the center line between tracks of the 9th Street Electric Line; thence northerly parallel to the aforesaid center line between tracks, and crossing Burnette Street a distance of 60 feet to a point on the northerly line thereof.

and as shown by the map (East Bay Div. No. 3778) attached to the application; said crossings to be constructed subject to the following conditions, viz:-

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

(2) Said crossings at Folger Avenue, Murray Street and Ashby Avenue shall be constructed substantially in accordance with Standard No. 2, as specified in General Order No. 72 of this Com-

mission and shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding two (2) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic. Said crossing at Burnette Street shall be so constructed that grades of approach not exceeding two (2) per cent will be feasible in the event that the construction of roadway along said Street shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover of vehicles and other road traffic.

(3) No cars shall be stored on the track of which the crossings herein granted form a part within one hundred (100) feet of Folger Avenue, Murray Street and Ashby Avenue. Suitable signs shall be erected calling attention of trainmen to this rule.

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

(5) If said crossings 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.

(6) This order is made upon the express condition that Burnette Street is not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of an opening of said street to public use across said railroad tracks.

(7) 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.

(8) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 17th day of October, 1925.

H. H. Randall

Chas. V.

George D. Squires

Commissioners.