

Decision No. 18586

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Southern Pacific Company for an order authorizing the construction at grade of a spur track across 9th Street, the alley between 9th and 10th Streets, 10th Street, the alley between 10th Street and San Pablo Avenue, and Harrison Street and a spur track at grade across Harrison Street, in the City of Berkeley, County of Alameda, State of California.

**ORIGINAL**

Application No. 11868.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 24th day of October, 1925, asking for authority to construct a spur track at grade across 9th Street, the alley between 9th and 10th Streets, 10th Street, the alley between 10th Street and San Pablo Avenue, and Harrison Street and a spur track at grade across Harrison Street, in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 14669 M.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 alleys 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 9th Street, the alley between 9th and 10th Streets, 10th Street, the alley between 10th Street and San Pablo Avenue, and Harrison Street and a spur track at grade across Harrison Street, in the City of Berkeley, County of Alameda, State of California, as follows:

SPUR NO. 1.

Commencing at a point on the westerly line of Ninth Street distant thereon 246 feet northerly from the northerly line of Harrison Street; thence easterly along a curve to the left having a radius of 191.11 feet, a distance of 105 feet to a point on the easterly line of Ninth Street distant thereon 180 feet northerly from the northerly line of Harrison Street; thence over private property to a point on the westerly line of the alley-way through the block north of Harrison Street and between Ninth and Tenth Streets; said point being 167.5 feet northerly from the northerly line of Harrison Street; thence easterly across said alley-way a distance of 14 feet to a point on the easterly line of said alley-way, distant 167.5 feet north from the northerly line of Harrison Street; thence over private property to a point on the westerly line of Tenth Street distant thereon 168.2 feet north of the northerly line of Harrison Street; thence easterly along a curve to the right with a radius of 191.11 feet a distance of 63 feet to a point on the easterly line of Tenth Street distant thereon 154 feet northerly from the northerly line of Harrison Street; thence continuing on a curve to the right over private property to a point on the westerly line of the alley-way in the block bounded by Tenth Street, San Pablo Avenue, Harrison Street and the Berkeley City line, said point being 24 feet northerly from the northerly line of Harrison Street; thence southerly along a curve to the right with a radius of 191.11 feet a distance of 26 feet to a point in Harrison Street, said point being distant 20 feet southerly from the northerly line of Harrison Street and 137 feet westerly from the westerly line of San Pablo Avenue; thence southerly across Harrison Street and along the alley-way in the block bounded by Tenth Street, San Pablo Avenue, Harrison Street and Gilman Street to a point on the northerly line of Gilman Street, said point being 137 feet westerly from the westerly line of San Pablo Avenue.

SPUR NO. 2.

Commencing at a point in the present track being constructed by the Southern Pacific Company under permit from the City of Berkeley, said point being 50 feet southerly from the southerly line of Harrison Street and 4.5 feet westerly from the easterly line of Ninth Street; thence northerly crossing Harrison Street and parallel to and distant 4.5 feet westerly from the easterly line of Ninth Street a distance of 460 feet to the northerly line of the City of Berkeley, said described spur track crossing spur No. 1 185 feet northerly from the northerly line of Harrison Street.

and as shown by the map (No. 3835) 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 of Harrison Street shall be constructed substantially in accordance with Standard No. 2, as specified in General Order No. 72 of this Commission and shall be constructed of a width to conform to those portions of said street now graded, with the tops of rails flush with the roadway 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.

(3) Said crossing of Tenth Street shall be constructed substantially in accordance with Standard No. 1, as specified in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said street now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding two (2) 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.

(4) Said crossings of Ninth Street, an alley between Ninth Street and Tenth Street and an alley between Tenth Street and San Pablo Avenue shall be so constructed that grades of approach not exceeding three (3) per cent will be feasible in the event that the construction of roadway along said streets and alleys shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

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

(6) 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.

(7) This order is made upon the express condition that Ninth Street, the alley between Ninth Street and Tenth Street and the alley between Tenth Street and San Pablo Avenue are 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.

(8) 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.

(9) 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 29<sup>th</sup> day of October, 1925.

H. H. Brandt  
Chas. V.  
George D. Squires