

Decision No. 15728

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
of The Atchison, Topeka and Santa
Fe Railway Company, a corporation,
for authority to construct a spur
track extension in and along West
Street, in the City of Berkeley,
County of Alameda, State of
California.

Application No. 12127.

BY THE COMMISSION:

ORIGINAL

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 23rd day of November, 1925, asking for authority to construct a spur track extension at grade across a portion of West Street in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 14734, N.S.) has been granted by the City Council of said City for the construction of said crossing 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 a grade separation, or to avoid a grade crossing at the point mentioned in this application with said West 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 The Atchison, Topeka and Santa Fe Railway Company to construct a spur track at grade across a portion of West Street, in the City of Berkeley, County of Alameda, State of California, as follows:

Commencing at a point one hundred eighty-five (185) feet north of the north line of Hearst Avenue and fifteen (15) feet east of the westerly line of West Street, said point being the end of an existing spur track as now located in West Street, thence extending northwesterly on a nine (9) degree thirty (30) minute curve concave northeasterly seventy-three and 5/10ths (73.5) feet to a point ten (10) feet east of the westerly line of West Street and two hundred fifty-eight and 5/10ths (258.5) feet north of the north line of Hearst Avenue.

and as shown by the map (Div. Engrs. No. A-4228) 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 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 West 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) 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) This order is made upon the express condition that West 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.

(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 7th day of December, 1925.

H. A. Brundage

C. Deane

George D. Squires

Commissioners.