

Decision No. 17028

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 a spur track across
the alley between 5th and 6th
Streets, Gilman and Camelia Streets,
Corbin Station, in the City of
Berkeley, County of Alameda,
State of California.

ORIGINAL

Application No. 12962.

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 June, 1926, asking for authority to construct a spur track at grade across the alley between 5th and 6th Streets, Gilman and Camelia Streets near Corbin Station, in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 15214 N.S.) has been granted by the City Council of said City of Berkeley 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 alley 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 the alley between 5th and 6th Streets,

Gilman and Camelia Streets near Corbin Station, in the City of Berkeley, County of Alameda, State of California, as follows:

Beginning at a point in the easterly line of that certain alley 14.0 feet wide whose center line is 136 feet westerly from and parallel to the westerly line of Sixth Street, said point being 320 feet more or less measured southerly along said easterly line of said 14 foot alley from its intersection with the southerly line of Gilman Street; thence in a westerly direction across said alley on the arc of a curve concave to the right (northerly), whose radius is 237 feet, a distance of 16 feet more or less to a point in the westerly line of said 14 foot alley, said point being 312 feet more or less measured southerly along said westerly line of said 14 foot alley from its intersection with the southerly line of Gilman Street.

and as shown by the map (Western Div'n. Dwg. C-199-Sheet 1) attached to the application; said crossing to be constructed subject to the following conditions, namely:

(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 one (1) per cent will be feasible in the event that the construction of roadway along said alley 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 said alley is not now actually constructed and open to travel at the point of crossing, and said order shall not be deemed an authorization for

the construction of an opening of said alley to public use across said railroad track.

(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 24th day of June, 1926.

W. B. ...
C. ...
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Commissioners.