

Decision No. 18134

ORIGINAL

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 railroad tracks in and
 across The Alameda, Solano Avenue
 and Colusa Avenue, in the City of
 Berkeley, County of Alameda, State of
 California.

Application No. 13420.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 27th day of December, 1927, and its Supplemental Application on January 5th, 1927, asking for authority to construct its single tracks at grade across The Alameda, Solano Avenue and Colusa Avenue, and abandon certain tracks in and along Solano Avenue, in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinances Nos. 1252 and 1253) 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 The Alameda, Solano Avenue and Colusa Avenue, 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 its single tracks at grade across The Alameda, Solano Avenue and Colusa Avenue, in the City of Berkeley, County of Alameda, State of California, at the locations hereinafter particularly described and as shown by the map (East Bay Electric Division Drawing 4117) attached to the application.

Description of Crossings

The Alameda:

Commencing at a point on the southerly line of Solano Avenue, distant thereon 85 feet more or less easterly from the westerly boundary line of the City of Berkeley as it existed at the time of the adoption of said Ordinance No. 58-N.S., measured from the point of intersection of said westerly boundary line with the southerly line of Solano Avenue between Colusa Avenue and Fresno Avenue and as designated upon that certain map entitled, "Northbrae Berkeley, California", which said map was filed for record in the office of the County Recorder of Alameda County on the 8th day of April, 1907, in Liber 22 of Maps, page 65; thence northeasterly upon a curve to the right, along and upon Solano Avenue to a point on the easterly line of The Alameda.

The above crossing shall be identified as Crossing No. K 11.63.

Solano Avenue:

Said tracks shall consist of a single track commencing at the point formed by the intersection of the center line of Solano Avenue and the present westerly boundary line of the City of Berkeley at or near Tulare Avenue, and extending easterly along the center line of Solano Avenue to a point formed by the intersection of the easterly line of Mono Street and the center line of Solano Avenue; thence extending with a double track from the last mentioned point easterly along Solano Avenue and curving to the right and entering private property in Block 8, as said block is delineated and so designated upon that certain map entitled "Northbrae, Berkeley, California", which said map was recorded in the office of the County Recorder of Alameda County, California, on the 8th day of April, 1907, in Liber 22 of Maps, at page 65.

The above crossing shall be identified as Crossing No. K 11.94.

Colusa Avenue:

Extending easterly by a single track leaving private property in said Block 8 at a point on the westerly line of Colusa Avenue, distant thereon southerly 75 feet, more or less, from the southerly line of Solano Avenue, and extending thence easterly on a curve to the left to a point on the easterly line of said Colusa Avenue distant southerly thereon 80 feet, more or less, from said southerly line of Solano Avenue, and thence entering private property.

The above crossing shall be identified as Crossing No. K-11.8.

Said crossings to be constructed subject to the following conditions, namely:

(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 shall be constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission and shall be constructed without superelevation and 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 one (1) 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) Applicant shall remove the tracks shown in yellow on the map (East Bay Electric Division Drawing 4117) attached to the application, insofar as they lie in Solano Avenue and The Alameda.

(4) Applicant shall protect train movements over its single tracks, as shown by map attached to the application, by first-class automatic signal system, plans for which shall be submitted to this Commission for its approval.

(5) An automatic flagman shall be installed and maintained for the protection of the crossing at The Alameda. Said automatic flagman shall be of a type and installed in accordance with plans or data approved by the Commission.

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

(7) 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.

(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 30th day ^{March} of ~~January~~, 1927.

Ernest West
Ed. B. Indigo
W. S. Seaver
Thos. S. Rottel

Commissioners.