

Decision No. 1822

ORIGINAL

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 side track in  
and across Parker Street, at 7th  
and 4th Streets, in the City of  
Berkeley, County of Alameda,  
State of California.

Application No. 13756.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 5th day of May, 1927, asking for authority to construct a side track at grade across Parker, 7th and 4th Streets, in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 15747 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 Parker, 7th and 4th 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 side track at grade across Parker, 7th and 4th Streets, in the City of Berkeley, County of Alameda, State of California, at the locations

hereinafter particularly described and as shown by the map (Western Division Drawing L-63, Sheet 1 revised) attached to the application.

#### Description of Crossings

(a) BEGINNING at a point in the center line of Parker St., said point being 119 ft. more or less easterly from the intersection of said center line of Parker St. and the easterly line of 7th St.; thence in a westerly direction thru a standard Southern Pacific #7 turnout, said turnout being on the right-hand or northerly side of said center line of Parker St., a distance of 62 ft. more or less to the point of frog of said turnout; thence continuing in a westerly direction on a straight line a distance of 81 ft. more or less; thence on the arc of a curve concave to the left tangent to last described course at the last described point, whose radius is 382 ft., a distance of 55 ft. more or less; thence continuing in a westerly direction along a line which is 10 ft. southerly from and parallel to the northerly line of Parker St. a distance of 220 ft. more or less to a point, said point being in the easterly line of 6th Street produced and 10 ft. southerly from the northerly line of Parker Street; thence along the arc of a curve concave to the left having a radius of 10,512.73 feet a distance of 72.51 ft. to a point of reverse curve; thence along the arc of a curve concave to the right having a radius of 10,512.73 ft. a distance of 72.51 ft. to a point in the existing track said point being 65 ft. westerly from the westerly line of 6th St. produced and 10.5 ft. southerly from the northerly line of Parker Street. Said description being the center line of a proposed track.

(b) BEGINNING at a point in the southerly line of Parker Street, said point being 175 ft. more or less easterly from the intersection of the southerly line of Parker St. with the easterly line of the Southern Pacific Company's right-of-way; thence in a northeasterly direction on the arc of a curve concave to the right, whose radius is 205 ft., a distance of 140 ft. more or less to a point on the easterly line of 4th Street produced southerly 10.5 feet from its intersection with the northerly line of Parker Street.

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 four (4) 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 (Western Division Drawing L-63, Sheet 1 revised) attached to the application in so far as they may lie in Parker, 7th or 4th Streets; and shall repair the streets to conform to the remainder thereof.

(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) 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 13<sup>th</sup> day of

July, 1927.

[Signature]  
[Signature]  
[Signature]

Commissioners.