

ORIGINAL

Decision No. 18673

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 two spur tracks across
Fourth Street, in the City of
Berkeley, County of Alameda, State
of California.

Application No. 13794.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 18th day of May, 1927, asking for authority to construct two spur tracks at grade across Fourth Street in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 15836 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 Fourth 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 Southern Pacific Company to construct two spur tracks at grade across Fourth Street 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 B-254, Sheet 3 revised) attached to the application.

DESCRIPTION OF CROSSINGS.

(a) BEGINNING at a point in the westerly line of Fourth Street distant thereon northerly 351.51 feet more or less from the intersection of said westerly line of Fourth Street with the northerly line of Parker Street; thence in an easterly direction on the arc of a curve concave to the right a distance of 30.04 feet more or less to a point; thence in a straight line, tangent to last described curve at last described point and parallel to the northerly line of Parker Street produced across Fourth Street, a distance of 30 feet more or less to a point in the easterly line of Fourth Street, said point being 352.5 feet more or less northerly along said easterly line of Fourth Street from its intersection with the northerly line of Parker Street.

(b) BEGINNING at a point in the westerly line of Fourth Street, distant thereon northerly 354.75 feet more or less from the intersection of said westerly line of Fourth Street with the northerly line of Parker Street; thence in an easterly direction on a straight line across Fourth Street, a distance of 55.3 feet more or less to a point; thence on the arc of a curve concave to the right having a radius of 456.59 feet (last described course being tangent to said curve at last described point,) a distance of 5.7 feet more or less to a point on the easterly line of Fourth Street, said point being 365.83 feet more or less northerly along said easterly line of Fourth Street 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 street now graded.

with the tops of rails flush with the roadway, 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 No. B-254, Sheet 3 revised), in so far as they lie in Fourth Street, and shall repair the street 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 13th day
of July, 1927.

[Signature]

[Signature]

Leon Whittell

Commissioners.