

WE:ER

Decision No. 14088
~~14085~~

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 drill track across
Overland Avenue and along and
across Ashby Avenue and across
7th, 9th, Murray and Folger Streets,
in the City of Berkeley, County of
Alameda, State of California.

ORIGINAL

Application No. 14088.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 22nd day of September, 1927, asking for authority to construct a drill track at grade across Overland Avenue and across and along Ashby Avenue and across 7th, 9th, Murray and Folger Streets, in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 16085 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 avenues and 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 drill

track at grade across Overland Avenue, Ashby Avenue, and 7th, 9th, Murray and Folger 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 No. B-237, Sheet 8) attached to the application.

DESCRIPTION OF CROSSINGS

BEGINNING at a point on the westerly line of Overland Avenue in the City of Berkeley, County of Alameda, State of California, at or near the intersection of said westerly line of Overland Avenue with the southerly line of Ashby Avenue produced westerly across Overland Avenue; said point being also on the easterly right of way line of the Southern Pacific Railroad Company between Oakland Pier and Port Costa; thence northeasterly on the arc of a curve concave to the right and having a radius of 191.12 feet a distance of 160 feet more or less to a point that is 10 feet southerly at right angles from the northerly line of Ashby Avenue, and 143 feet more or less easterly parallel to the said southerly line of Ashby Avenue from the said westerly line of Overland Avenue; thence easterly in a straight line parallel to and at a uniform distance southerly from the said northerly line of Ashby Avenue, a distance of 1326 feet more or less to a point that is 10 feet southerly at right angles from the northerly line of Ashby Avenue, and 130 feet more or less westerly parallel to the said southerly line of Ashby Avenue, from the westerly line of Ninth Street produced southerly across Ashby Avenue; thence on the arc of a curve concave to the right and having a radius of 229.30 feet, a distance of 286 feet more or less to a point on the southerly line of Ashby Avenue as the same exists between Ninth Street and San Pablo Avenue distant thereon 45 feet more or less easterly from the intersection of the said southerly line of Ashby Avenue with the easterly line of Ninth Street. Also beginning at a point in the northerly line of Murray Street distant thereon easterly 57 feet more or less from the intersection of the said northerly line of Murray Street with the easterly line of Ninth Street; thence in a straight line southerly across Murray Street a distance of 50 feet more or less to a point in the southerly line of Murray Street, distant thereon easterly 57 feet more or less from the intersection of said southerly line of Murray Street with the easterly line of Ninth Street produced across Murray Street; also beginning at a point in the northerly line of Folger Street distant thereon easterly 543 feet more or less from the intersection of the said northerly line of Folger Street with the easterly line of Seventh Street; thence on the arc of a curve concave to the left and having a radius of 458.59 feet a distance of 47 feet more or less to a point; thence in a straight line tangent to the last described curve at the last named point a distance of 25 feet more or less to a point in the southerly line of Folger Street distant thereon easterly 526 feet more or less from the intersection of the said southerly line of Folger Street with the easterly line of Seventh Street produced across Folger 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 of Ashby Avenue, and 7th, 9th, Murray and Folger Streets, shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding three (3) 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) Said crossing of Overland Avenue shall be so constructed that grades of approach not exceeding three (3) per cent will be feasible in the event that the construction of roadway along said Overland Avenue shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover of vehicles and other road traffic.

(4) This order is made upon the express condition that Overland Avenue 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 street to public use across said railroad track.

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

(6) 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.

(7) 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 25th day of October, 1927.

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners.