

WH LV
Decision No. 13048

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the matter of application of Southern Pacific Company for an order authorizing the construction at grade of a spur track upon, along and across a portion of Second Street and across Harrison Street, in the City of Berkeley, County of Alameda, State of California.

Application No. 14182.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 29th day of October, 1927, asking for authority to construct a spur track at grade across a portion of Second Street and across Harrison Street, in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 16,178 N.S.) has been granted by the City Council of said City 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 Second and Harrison 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 spur track at grade across a portion of Second Street and across Harrison Street in the City of Berkeley, County of Alameda, State of California, at the location hereinafter particularly described and as shown by the map (Western Division Drawing No. B-202, Sheet 1 revised) attached to the application.

DESCRIPTION OF CROSSING.

COMMENCING at a point in the track existing in Second Street, City of Berkeley, County of Alameda, State of California, said point being 23.0 feet westerly at right angles, from the easterly line of Second Street and 96 feet southerly from and measured at right angles to the southerly line of Harrison Street, thence northerly through a standard number seven (#7) turnout a distance of 70 feet more or less to a point in Second Street; thence continuing northerly a distance 26 feet to a point; thence northerly on the arc of a curve concave to the left, or westerly, having a radius of 382.2 feet. (The last described course being tangent to said curve at last mentioned point; a distance of 54 feet more or less to a point, said point being in Second Street 10.0 feet westerly from and measured at right angles to the easterly line of said Second Street and 9 feet more or less southerly from and measured at right angles to said northerly line of Harrison Street; thence in a northerly direction parallel to and distant 10.0 westerly from the easterly line of Second Street a distance of 175 feet more or less to a point in Second Street; said description being that of the center line of a railroad spur track.

The above crossing shall be identified as Crossing No. A-10.1-

C.

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 of not exceeding three (3) percent will be feasible in the event that the construction of roadway along said streets shall hereafter be authorized and so that said grade crossing may be made

safe for the passage thereon of vehicles and other road traffic.

(3) This order is made upon the express condition that Second Street and Harrison Street are 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 streets to public use across said railroad track.

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

(5) 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.

(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 14th day of November, 1927.

Edward
Chase
Leon
David
W. J. C.
 Commissioners.