

Decision No. 13895.

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 a spur track across Overland and Ashby Avenues, in the City of Berkeley, County of Alameda, State of California.

Application No. 14776.

ORIGINAL

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 11th day of June, 1928, asking for authority to construct a spur track at grade across Overland Avenue and a portion of Ashby Avenue in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 16,588 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 Overland Avenue and a portion of Ashby 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 a spur track at grade across Overland Avenue and a portion of Ashby Avenue 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 B-296) attached to the application.

DESCRIPTION OF CROSSING

"BEGINNING at a point in the Southern Pacific Company's right-of-way in the City of Berkeley, County of Alameda, State of California, said point lying in the westerly end of Ashby Avenue and in the westerly side of Overland Avenue, and being twenty (20) feet southerly from the northerly line of Ashby Avenue, thence in a northeasterly direction on the arc of a curve concave to the right and having a radius of one hundred ninety-one and twelve hundredths (191.12) feet across Overland Avenue, a distance of thirty-six (36) feet more or less to the intersection of the northerly line of Ashby Avenue with the easterly line of Overland Avenue."

The above crossing shall be identified as a portion of Crossing No. A-8.07.

Said crossing to be constructed subject to the following conditions, and not otherwise:

(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 not exceeding one (1) per cent will be feasible in the event that construction of roadways along said Overland and Ashby Avenues shall hereafter be authorized and so that said grade

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crossing may be made safe for the passage thereover of vehicles and other road traffic.

(3) This order is made upon the express condition that Overland and Ashby Avenues are not now actually constructed and open to travel at the point of crossing and said order shall not be deemed as authorization for the construction of an opening of said avenues 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 13th day of June, 1928.

C. Seavey

W. B. ...

M. J. ...

Commissioners.