

Decision No. 20191

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 Folger Street, in the City of Berkeley, County of Alameda, State of California.
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Application No. 14,999.

**ORIGINAL**

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 29th day of August, 1928, asking for authority to construct a temporary spur track at grade across Folger Avenue, in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. A ninety (90) day franchise or permit (Resolution No. 16,742 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 Folger 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 temporary spur track at grade across Folger 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 No. B-308, Sheet 1) attached to the application.

DESCRIPTION OF CROSSING.

Beginning at a point in the southerly line of Folger Avenue, said point being distant 30 feet more or less northerly from the head block of the spur track to be described; thence northerly through a Standard No. 7 frog a distance of 32.6 feet more or less to a point; thence continuing on a straight line a distance of 38.5 feet more or less to a point on the northerly line of Folger Avenue.

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 constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and shall be constructed without super-elevation and of a width to conform to that portion of said avenue now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by a Standard No. 1 crossing sign, as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

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

(4) The authorization herein granted for the installa-

tion of said crossing shall lapse and become void on the 29th day of November, 1928, whereupon said crossing shall be abolished unless further time is granted by subsequent order of this Commission.

(5) 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 31st day of August, 1928.

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Commissioners.