

Decision No. 20233

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Da the matter of application of Southern Pacific Company for an order authorizing the construction at grade of a spur track across 7th Street at the intersection of Anthony Street, in the City of Berkeley, County of Alameda, State of California.

Application No. 15016.

**ORIGINAL**

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 4th day of September, 1928, asking for authority to construct a spur track at grade across Seventh Street in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 16733 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 Seventh 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 a spur track at grade across Seventh 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-307, Sheet No. 3) attached to the application.

Description of Crossing

BEGINNING at a point on the westerly line of Seventh Street said point being on the center line of Anthony Street and distant 225 feet, more or less, northwesterly from the intersection of the northerly line of Ashby Avenue and the westerly line of Seventh Street, City of Berkeley, County of Alameda, State of California; thence in a northeasterly direction on the center line of Anthony Street crossing Seventh Street, a distance of 60 feet, more or less, to a point in the easterly line of Seventh Street.

The above crossing shall be identified as Crossing No. A-8.29-C.

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. 3, in General Order No. 72 of this Commission, and shall be constructed of a width to conform to that portion of said street 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. 73 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) 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.

(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 20<sup>th</sup> day of September, 1928.

Leon Whiteley  
Chas. J. ...  
Francis ...  
Paul ...

Commissioners.