

Decision No. 29249.

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 spur tracks across 4th and
5th Streets, In the City of Berkeley,
County of Alameda, State of California.

Application No. 15011.

BY THE COMMISSION:

ORDER

ORIGINAL

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 31st day of August, 1928, asking for authority to construct spur tracks at grade across Fourth and Fifth Streets in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 16718 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 Fourth and Fifth 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 con-

struct its spur tracks at grade across Fourth and Fifth 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 Divn. Drawing No. B-307 Sheet No. 2) attached to the application.

Description of Crossings.

(1) Beginning at a point in the westerly line of Fourth Street, said point being ninety-six (96) feet northerly from the intersection of the western line of Fourth street with the northern line of Ashby avenue; thence across Fourth street, northeasterly, on the arc of a curve, concave to the right, whose radius is two hundred eighty-six (286) feet a distance of fifty (50) feet more or less to a point in the eastern line of Fourth street, which is one hundred (100) feet northerly from the intersection of said eastern line of Fourth street with the northern line of Ashby Avenue..

(2) Beginning at a point in the western line of Fourth street, said point being one hundred seventy (170) feet northerly from the intersection of said western line of Fourth street with the northern line of Ashby avenue; thence across Fourth street, northeasterly, on the arc of a curve, concave to the right, whose radius is one hundred ninety-one (191) feet a distance of fifty-six (56) feet more or less to a point in the eastern line of Fourth street which is one hundred ninety-three (193) feet northerly from the intersection of said eastern line of Fourth street with the northern line of Ashby avenue.

(3) Beginning at a point in the western line of Fifth street said point being one hundred (100) feet northerly from the intersection of said western line of Fifth street with the northern line of Ashby avenue; thence easterly across Fifth street a distance of fifty (50) feet more or less to a point in the eastern line of Fifth street which is one hundred (100) feet northerly from the intersection of said eastern line of Fifth street with the northern line of Ashby avenue..

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

(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 shall be so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of roadways along said Fourth and Fifth Streets shall hereafter be authorized, and so that said grade crossings may be made suitable for the passage thereover of vehicles and other road traffic.

(3) This order is made upon the express condition that Fourth and Fifth Streets are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of openings of said streets to public use across said railroad tracks.

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

(5) 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.

(6) 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 21st day
of September, 1928.

Leon Whitely

W. A. ...

Francis ...

Thos. J. ...

Commissioners.