

ORIGINALDecision No. 20262

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of
SOUTHERN PACIFIC COMPANY for an
order authorizing the construc-
tion at grade of a drill track
across Overland Avenue, along and
across Ashby Avenue and across
7th, 9th, Murray and Folger Streets,
in the City of Berkeley, County of
Alameda, State of California.

Application No. 15027.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 11th day of September, 1928, and an amended application on the 18th day of September, 1928, asking for authority to construct a drill track at grade across Overland Avenue, a portion of Ashby Avenue, Fourth Street, Fifth Street, Seventh Street, Ninth Street, Ashby Avenue, Murray Street and Folger Avenue in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit, (Resolution No. 16,741-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 streets and avenues, 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 drill track at grade across Overland Avenue, a portion of Ashby Avenue, Fourth Street, Fifth Street, Seventh Street, Ninth Street, Ashby Avenue, Murray Street and Folger Avenue in the City of Berkeley, County of Alameda, State of California, at the locations hereinafter particularly described and as shown on the map (Western Division Drawing No. B-307, Sheet No. I) attached to the application.

DESCRIPTION OF CROSSINGS.

BEGINNING at a point on the westerly line of Overland Avenue in the City of Berkeley, County of Alameda, State of California, said point being northerly 4.6 feet more or less from the intersection of said westerly line of Overland Avenue with the southerly line of Ashby Avenue if produced westerly across Overland Avenue; said point of beginning being also in the easterly right of way line of the Southern Pacific Company between Oakland Pier and Port Costa; thence northeasterly along the arc of a curve concave to the right and having a radius of 191.12 feet a distance of 160.9 feet more or less to a point that is 11.5 feet southerly measured at right angles from the northerly line of Ashby Avenue; thence easterly and tangent to said curve at the last mentioned point, in a straight line parallel to and at 11.5 feet distant southerly from the Northerly line of said Ashby Avenue, a distance of 1404 feet more or less to a point; thence tangent to last described course on the arc of a curve concave to the right and having a radius of 229.30 feet, a distance of 300.2 feet more or less to a point on the southerly line of Ashby Avenue as the same exists between Ninth Street and San Pablo Avenue, distant thereon 48.5 feet more or less easterly from the intersection of the said southerly line of Ashby Avenue and the easterly line of Ninth Street.

Also beginning at a point in the northerly line of Murray Street, distant thereon easterly 57 feet more or less from the intersection of the said northerly line of Murray Street with the easterly line of Ninth Street; thence in a straight line southerly across Murray Street a distance of 50 feet more or less to a point on the southerly line of Murray Street, and distant thereon easterly 57 feet more or less from the intersection of said southerly line of Murray Street with the easterly line of Ninth Street if produced across Murray Street.

Also beginning at a point on the northerly line of Folger Street, distant thereon easterly 543 feet more or less from the intersection of the said northerly line of Folger Street with the easterly line of Seventh Street; thence southerly on the arc of a curve concave to the left having a radius of 458.59 feet a distance of 46.5 feet more or less to a point; thence tangent to said curve at the last mentioned point, in a straight line a distance of 25.5 feet more or less to a point on the southerly line of Folger Street, distant thereon easterly 526.5 feet more or less from the intersection of the said southerly line of Folger Street with the easterly line of Seventh Street if produced across Folger Street.

The above crossings shall be identified as follows:

Ashby Avenue	- A-8.07-C	Ninth Street	- A-8.38-C
Overland Avenue	- A-8.07-C	Ashby Avenue	- A-8.39-C
Fourth Street	- A-8.10-C	Murray Street	- A-8.42-C
Fifth Street	- A-8.15-C	Folger Avenue	- A-8.47-C
Seventh Street	- A-8.28-C		

Said crossings shall 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 of a portion of Ashby Avenue, Fourth Street, Fifth Street, Seventh Street, Ninth Street, and Ashby Avenue shall be constructed equal or superior to type shown as Standard No. 3, and said crossings of Murray Street and Folger Avenue 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 superelevation and of a width to conform to those portions of said streets and avenues now graded, with tops of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) Said crossings of a portion of Ashby Avenue, Seventh

Street, Ninth Street, Ashby Avenue, Murray Street and Folger Avenue shall be protected by a Standard No. 1 crossing sign as specified in General Order No. 75 of this Commission.

(4) Said crossing of Overland Avenue shall be so constructed that grades of approach not exceeding three (3) per cent will be feasible in the event that the construction of a roadway along said Overland Avenue shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover of vehicles and other road traffic.

(5) This order is made upon the express condition that Overland Avenue is not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed as an authorization for the construction of an opening of said avenue to public use across said railroad track.

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

(7) If said crossings shall not have been installed within one (1) 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.

(8) 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 White

Chas. J. ...

Thos. J. ...

M. J. ...
Commissioners.