

Decision No. 26507.

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 Ashby  
Avenue and Across 7th Street, In the  
City of Berkeley, County of Alameda,  
State of California.

**ORIGINAL**

Application No. 15,136.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 19th day of October, 1928, asking for authority to construct a spur track at grade across Ashby Avenue and 7th Street in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 16,814 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 Ashby Avenue and 7th 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 Ashby Avenue and 7th Street

in the City of Berkeley, County of Alameda, State of California, at the locations hereinafter particularly described and as shown by the map (Western Division Drawing No. B-281, Sheet No. 2) attached to the application.

DESCRIPTION OF CROSSINGS

1-Ashby Avenue:

BEGINNING at a point in the recently constructed drill track on the north side of Ashby Avenue, City of Berkeley, County of Alameda, State of California, said point being 11.5 feet south of the northerly line of Ashby Avenue and 442.0 feet westerly from the western line of Seventh Street, thence through a standard number seven (#7) turnout, a distance of 70.0 feet more or less to a point; thence continuing in an easterly direction 8.5 feet to a point; thence along the arc of a curve concave to the right having a radius of 286.8 feet, a distance of 74.5 feet to a point; thence tangent to the curve at the last mentioned point, a distance of 45.0 feet more or less to a point; thence along the arc of a curve concave to the left having a radius of 286.8 feet, a distance of 60.0 feet more or less to a point in the southerly line of Seventy (7th) Street.

The crossing of Ashby Avenue shall be identified as Crossing No. A. 8.22.

2-Seventh Street:

BEGINNING at a point in the westerly line of Seventh Street said point being southerly 5.0 feet from the intersection of said westerly line of Seventh Street and the Southerly line of Ashby Avenue; thence in an easterly direction crossing said Seventh Street on the arc of a curve concave to the right having a radius of 286.8 feet, a distance of 61.0 feet more or less to a point in the easterly line of Seventh Street.

The above crossing of Seventh Street shall be identified as a portion of crossing No. A. 8.28.

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 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 now graded, with the tops of rails flush with the roadway, and with grades of approach not exceeding two (2) per cent; shall be protected by two (2) Standard No. 1 crossing signs at each crossing 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 crossings.

(4) 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

(5) 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 30<sup>th</sup> day of October, 1928.

Leon Whiteley  
C. Henry  
W. J. Curtis  
M. J. Curran  
 Commissioners.