

Decision No. 20519.

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
7th Street, in the City of Berkeley,
County of Alameda, State of Calif-
ornia.

ORIGINAL

Application No. 15,201.

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 16th day of November, 1926, 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. 16,826-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-310, Sheet No. 1) attached to the application.

DESCRIPTION OF CROSSING

Beginning at a point in the easterly line of Seventh Street, said point being South $14^{\circ} 13'$ East and distant 346.0 feet more or less from the intersection of the said easterly line of Seventh Street and the southerly line of Gilman Street; thence southwesterly through a number seven turnout 27.5 feet more or less to a point; thence South $67^{\circ} 20'$ West a distance of 21.5 feet more or less to a point; thence along the arc of a curve concave to the right, having a radius of 286.6 feet a distance of 11.5 feet more or less to a point in the westerly line of Seventh Street; said point being South $14^{\circ} 30'$ East and distant 356.0 feet more or less from the intersection of the westerly line of Seventh Street and the said southerly line of Gilman Street.

The above crossing shall be identified as a portion of Crossing No. A-10.69-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. 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 street now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding three (3) per cent; shall be protected by a Standard No. 1 crossing sign, as speci-

fied 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) 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 26th day of November, 1928.

O. Scarey

Wm. J. ...

John S. ...

W. J. ...

 Commissioners.