

Decision No. 20930

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
The City of Berkeley, a municipal
corporation, for an order authorizing
a street crossing at grade over the
tracks and right of way of the
Southern Pacific Company at the in-
tersection of Ashby Avenue with the
Ninth Street Interurban line of said
Southern Pacific Company.

Application No. 15,116.

BY THE COMMISSION:

O R D E R

The City of Berkeley, County of Alameda, State of California, filed the above entitled application with this Commission, asking for authority to construct a public street known as Ashby Avenue at grade across the tracks of Southern Pacific Company, in said City of Berkeley, as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to the construction of said crossing at grade, and 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 with said tracks at the point mentioned in this application, 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 the City of Berkeley, County of

Alameda, State of California, to construct Ashby Avenue at grade across the tracks of Southern Pacific Company at the location as shown by the maps , Exhibit "A," "B" and "C" attached to the application and by reference made a part hereof.

The above crossing shall be identified as Crossing No. KA-8.14.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne in accordance with the agreement between applicant and Southern Pacific Company. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than forty-five (45) feet and at an angle as shown on Exhibit "A" attached to the application and with grades of approach not greater than three (3) per cent; shall be constructed substantially in accordance with Standard No. 3, as specified in General Order No. 72 of this Commission; shall be protected by two Standard No.2 crossing signs as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereon 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.

April
~~December~~, 1928. Dated at San Francisco, California, this 2nd day of

Cl. Jones

Leon Whitell

M. J. Cur
Commissioners.