

Decision No. 21507

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 a portion of Parker Street and 7th Street in the City of Berkeley, County of Alameda, State of California.

Application No. 15866.

**ORIGINAL**

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 12th day of August, 1929, asking for authority to construct a spur track at grade across a portion of Parker Street and 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. 17297-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 Parker and Seventh 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 construct

a spur track at grade across a portion of Parker Street and 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 Divn. Drawings B-312 Sheet No. 1 Rev.) attached to the application.

#### DESCRIPTION OF CROSSING

BEGINNING at a point in the center line of the Southern Pacific Company's spur track, as said track now exists on Parker Street in the City of Berkeley, County of Alameda, said point of beginning being distant 108 feet, more or less, westerly measured along the center line of said track from the westerly line of Seventh Street; thence running from said point of beginning over and along Parker Street easterly through a standard number seven turnout to the right a distance of 72.6 feet more or less; thence continuing along Parker Street, and over and crossing Seventh Street on a curve concave to the right and having a radius of 191.12 feet a distance of 89.4 feet, more or less, to a point of tangency; thence continuing in a straight line tangent to last mentioned curve a distance of 16 feet, more or less, to a point in the easterly line of Seventh Street, distant thereon 18 feet, more or less, southerly, from the south-easterly corner of Seventh and Parker Streets.

The above crossing shall be identified as a portion of Crossing No. A-8.75-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 superelevation and of a width to conform to those portions of said streets now graded, with the tops of rails flush with the pavement, and with grades of

approach not exceeding one (1) per cent; shall be protected by Standard No. 1 crossing signs as specified in General Order No. 75 of this Commission and as shown by said map attached to the application and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be brought to a stop and unless traffic on the highway is protected by a member of the train crew or other competent employee acting as flagman.

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

(5) 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.

(6) 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 30th day of August, 1929.

David L. Smith  
C. C. Smith  
Leon Whitehall  
M. J. [unclear]  
 Commissioners.