

Decision No. 22277

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 two (2) spur tracks across a portion of Second Street between Gilman and Camelia Streets, in the City of Berkeley, County of Alameda, State of California.

Application No. 16378.

ORIGINAL

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 March, 1930, asking for authority to construct two (2) spur tracks at grade across a portion of Second Street between Gilman and Camelia Streets in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 17,590 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 Second 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 two (2) spur tracks at grade across a portion of Second 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-352, Sheet No. 1) attached to the application.

DESCRIPTION OF CROSSINGS

1. BEGINNING at the southwest corner of Second and Gilman Streets thence north $75^{\circ} 30'$ east thirty-seven (37) feet, more or less to a point; thence south $14^{\circ} 30'$ east one hundred thirty-six (136) feet more or less to the point of beginning of this description; thence southerly through a standard No.7 turnout to the right sixty-two and $62/100$ (62.64) feet more or less to a point; thence south $6^{\circ} 20'$ east one hundred nine (109) feet more or less; thence on the arc of a curve concave to the left having a radius of four hundred fifty-eight and $59/100$ (458.59) feet a distance of eighty-seven and $5/10$ (87.5) feet more or less to a point; thence south $14^{\circ} 30'$ east tangent to the curve at the last mentioned point of the last described course; fifty-five (55) feet more or less to a point in the center line of the present spur.

The above crossing shall be identified as Crossing No. A-

10.24-C.

2. BEGINNING at the southeast corner of Second and Gilman Streets thence south $75^{\circ} 30'$ west twenty-three (23) feet more or less to a point; thence south $14^{\circ} 30'$ east three hundred nineteen and $75/100$ (319.75) feet more or less to the point of beginning of this description; thence northerly through a standard No.7 turnout to the right sixty-one and $51/100$ feet more or less to a point; thence on the arc of a curve concave to the right having a radius of two hundred thirty-eight and $84/100$ (238.84) feet an arc distance of twenty-eight and $47/100$ (28.47) feet, more or less; thence north $0^{\circ} 30'$ east forty-four and $37/100$ (44.37) feet, more or less to a point; thence on the arc of a curve concave to the left having a radius of two hundred eighty-six and $84/100$ (286.84) feet tangent to last described course at last described point an arc distance of four and $91/100$ (4.91) feet, more or less, to a point in the easterly line of Second Street.

The above crossing shall be identified as Crossing No. A-

10.28-C.

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

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 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 Standard No. 1 crossing signs 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 remove the track shown in yellow on the map (Western Division Drawing No. B-352, Sheet No.1) attached to the application, and repair said street to conform to the remainder thereof.

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

(5) 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.

(6) 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 judg-

ment, 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 2nd day
April
of ~~March~~, 1930.

C. L. Sawyer

Wm. L. Lott

W. J. Cunn

Commissioners.