

Decision No. 22541.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of KEY SYSTEM TRANSIT COMPANY, a corporation, for an order authorizing the construction at grade of a track across Ward Street and across spur track of Southern Pacific Company in Adeline Street in the City of Berkeley, County of Alameda, State of California.

Application No. 16622.

BY THE COMMISSION:

O R D E R

Key System Transit Company, a corporation, filed the above entitled application with this Commission on the 12th day of June, 1930, asking for authority to construct a main line track at grade across Ward Street and at grade across a spur track of Southern Pacific Company in the City of Berkeley, County of Alameda, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 17496 N.S.) has been granted by the City Council of said City for the construction of said crossing at grade. An agreement has been entered into between applicant and Southern Pacific Company covering said spur track crossing, said agreement being filed in Application No. 14558. 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 Ward Street and said spur track and that this application should be granted subject to the conditions hereinafter specified, therefore,

I. IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to Key System Transit Company to construct its second main line track at grade across Ward Street in the City of Berkeley, County of Alameda, State of California, at the location as shown by the map (Exhibit "B") attached to the application.

The above crossing shall be identified as a portion of Crossing No. 7-5.99.

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. 3, in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding three (3) per cent; 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 thereover of vehicles and other road traffic.

II. IT IS HEREBY FURTHER ORDERED that permission and authority be and it is hereby granted to Key System Transit Company to construct its second main line track at grade across a spur track of Southern Pacific Company in the vicinity of Ward Street, in the City of Berkeley, at the location as shown by the map (Exhibit "B")

attached to the application, said crossing to be constructed subject to the following conditions:

(1) The expense of construction and maintenance of said crossing shall be borne in accordance with terms of agreement between applicant and Southern Pacific Company, filed with the Commission in Application No. 14558.

(2) All trains, motors, engines or cars of applicant shall reduce speed to eight (8) miles per hour before crossing the track of Southern Pacific Company.

(3) All trains, motors, engines or cars of Southern Pacific Company shall stop before crossing the tracks of applicant and shall not proceed thereover until a member of the train crew has gone upon the crossing and ascertained that it is safe to do so.

III. IT IS HEREBY FURTHER ORDERED that:

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

(2) 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.

(3) 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 16th day of June, 1930.

Al Seavey

Leon Cowhill

Wm. S. Dutton

Commissioners.