

ORIGINAL

Decision No. 4523

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
SOUTHERN PACIFIC COMPANY for permission
to construct industry spur tracks at
grade across University Avenue in the
City of Berkeley, Alameda County, Cali-
fornia.

Application No. 3085.

By the Commission.

O R D E R.

SOUTHERN PACIFIC COMPANY, a corporation, having on August 3, 1917, filed with the Commission an application for permission to construct industry spur tracks at grade across University Avenue in the City of Berkeley, Alameda County, California, as hereinafter indicated; and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit has been granted by the City of Berkeley for the construction of said crossings at grade; and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said University Avenue, and that this application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be hereby granted Southern Pacific Company to construct industry spur tracks at grade across University Avenue in the City of Berkeley, Alameda County, California, described as follows:

"Commencing at a point in Third Street on the southerly line of University Ave. said point being 17.5 feet easterly from the westerly line of Third Street thence northerly parallel to the westerly line of Third Street a distance of 100 feet to a point on the northerly line of University Ave.

Commencing at a point in Third Street on the southerly line of University Ave. said point being 14 feet from the westerly line of Third Street thence northerly and bearing to the left of the line of Third Street with an angle of 6 degrees 22' a distance of 20 feet thence along the arc of a curve to the left with a radius of 250.8 feet a distance of 83.4 feet to a point on the northerly line of University Ave. said point being 10.7 feet westerly from the westerly line of Third Street.

Commencing at a point on the westerly line of Third Street said point being 28 feet southerly from the northerly line of University Ave. thence northwesterly along the arc of a curve to the left with a radius of 250.8 feet a distance of 30 feet to a point on the northerly line of University Ave. said point being 10.7 feet westerly from the westerly line of Third Street."

All of the above as shown by the map attached to the application; said crossings to be constructed subject to the following conditions, viz.:-

(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 of a width and type of construction to conform to those portions of University Avenue now graded, with grades of approach not exceeding four (4) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(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.

Dated at San Francisco, California, this 7th day
of August, 1917.

Max Theless

Alex Gordon

Edwin A. Edgerton

Commissioners.