

Decision No. 28521.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the People of the State of California, on relation of the Department of Public Works, for an order authorizing the construction of State Highway Route 69 at grade across a certain spur track connected with the Southern Pacific Railroad on the Berkeley waterfront in the vicinity of University Avenue, in the City of Berkeley, Alameda County, California.

Application No. 20354.

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on January 21, 1936, applied for authority to construct a State highway known as Road IV-Ala-69-Berkeley at grade across a spur track of Southern Pacific Company in the vicinity of University Avenue, City of Berkeley, State of California. Southern Pacific Company, on January 21, 1936, signified, in writing, that it had no objection to the construction of said crossing at grade.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said track at the point mentioned; and that the application should be granted,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, are

hereby authorized to construct Road IV-Ala-69-Berkeley at grade across a spur track of Southern Pacific Company at the location as shown by the map (Exhibit "A") attached to the application and made a part thereof, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. A-10.16-C.
- (2) The entire expense of constructing the crossing shall be borne by applicant. 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.
- (3) The crossing shall be constructed of a width of not less than forty (40) feet and at an angle to the railroad as shown on Exhibit "A" attached to the application, and with grades of approach not greater than three (3) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Two (2) Standard No. 3 wigwag signals, as specified in our General Order No. 75-A shall be installed for the protection of said crossing at the sole expense of applicant. Their maintenance thereafter shall be borne by Southern Pacific Company.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (7) 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, public convenience and necessity demand such action.

The authority herein granted shall become effective  
on the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup>  
day of January, 1936.

M. B. Lane

John A. [unclear]

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John R. [unclear]

Commissioners.