Decision No. 33304

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 along and across a portion of 9th Street, in the City of Berkeley, County of Alameda, State of California.	Application No. 23537

ORIGINAL

O R D E R

Southern Pacific Company is authorized to construct a spur track at grade across a portion of 9th Street in Berkeley, Alameda County, at the location described in the application. Applicant shall bear entire construction and maintenance expense.

This order is made upon the express condition that 9th Street is not now actually constructed and open to travel at the point of crossing and this order shall not be deemed an authorization for the construction of an opening of said street to public use across said track. Said track shall be so constructed that grades of approach not exceeding one (1) per cent will be feasible in the event that the construction of an opening of 9th Street across said track shall hereafter be authorized and so that said grade crossing may be made safe for the passage thereover of vehicles and other road traffic.

Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within one year, unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require. This order shall be effective immediately.

Dated, San Francisco, July 3, 1940.

Ray L. Riley
Franklin Swain
Paul Peabody
Justus F. Craemer

(COMMISSIONERS)