

ORIGINAL

Decision No. 19606

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the )  
 CITY OF BERKELEY, a municipal corporation, )  
 for an order authorizing a street crossing )  
 at grade over the tracks and right-of-way )  
 of the Key System Transit Company and The )  
 Atchison, Topeka & Santa Fe Railway at the ) Application  
 intersection of Santa Fe Avenue with the ) No. 14190  
 mainline of said Atchison, Topeka & Santa )  
 Fe Railway and the Albany Branch line of )  
 said Key System Transit Company. )

Earl J. Sinclair, City Attorney, City of Berkeley, for Applicant,  
 L. K. Fraser, City Attorney, for the City of Albany,  
 Platt Kent, for The Atchison, Topeka & Santa Fe  
 Railway Company, Protestant,  
 Brobeck, Phleger and Harrison, by Frank S. Richards  
 for Key System Transit Company, Protestant,  
 W. H. Moore, in propria persona, Protestant.

BY THE COMMISSION -

O P I N I O N

City of Berkeley, a municipal corporation, has petitioned the Railroad Commission for an order authorizing the establishment of a crossing at grade at Santa Fe Avenue in the City of Berkeley over and across the tracks and right-of-way of the Atchison, Topeka & Santa Fe Railway and over and across the tracks and right-of-way of the Albany Branch line of the Key System Transit Company.

A public hearing on this application was conducted by Examiner Handford at Berkeley, the matter was duly submitted and is now ready for decision.

The proposed crossing involves the track of the Oakland Branch of the Santa Fe and the track of the Westbrae line of the Key System Transit Company, which are parallel and adjacent and run in a northerly and southerly direction in this vicinity. The Santa Fe line consists of a single track, over which about twelve

passenger trains and a maximum of six freight trains operate per twenty-four hour period. The single track line of the Key System Transit Company has its northerly terminus at Santa Fe Avenue. Over this line single car trains are operated every twenty minutes during the daytime and every forty minutes after 8:00 P.M., except during the time from 1:00 A.M. to 6:00 A.M., when no cars are operated.

Santa Fe Avenue is laid out in a northeasterly and southwesterly direction and if extended over the said railroads, would cross the tracks at an angle of approximately thirty-eight (38) degrees. Although the crossings herein applied for are in the corporate limits of the City of Berkeley, the boundary between the municipalities of Berkeley and Albany is located about 100 feet north of the crossings. That portion of Santa Fe Avenue lying within Albany is about eighty (80) feet in width and is improved with an oil macadam surface. Marin Avenue, an important east and west street, intersects Santa Fe Avenue at a point about three blocks north of the proposed crossings. From this point Santa Fe Avenue then continues northerly to the county line between Alameda and Contra Costa Counties, a distance of about one mile.

That portion of Santa Fe Avenue lying within the City of Berkeley and south of the proposed crossings is approximately fifty (50) feet wide, is improved with oil macadam, and extends southerly to Cornell Avenue and Page Street, a distance of about one quarter of a mile.

The next crossing to the north of the one proposed herein, and approximately eight hundred and fifty (850) feet distant therefrom, is at Dartmouth Street, an east and west street in the City of Albany.

Curtis Street and Neilson Street, which are 300 feet apart, run parallel to and east of Santa Fe Avenue. These two streets intersect the tracks involved herein at points about four hundred (400) feet and eight hundred (800) feet, respectively, south of the proposed crossing.

Gilman Street, an east and west street in Berkeley, crosses Santa Fe Avenue, Curtis Street and Neilson Street at right angles and the tracks of the two carriers a few feet south of the Curtis Street crossing.

Northside Avenue crosses the Santa Fe and Key System tracks some two hundred (200) feet south of Neilson Street. This is not a through street, but terminates a short distance north of the Key System tracks.

It appears from the record that the traffic, as a whole, can be better served by the construction of a street east of and parallel to the Key System tracks from Santa Fe Avenue to at least Curtis Street, although, preferably, it should be extended to Gilman Street. By so doing, traffic originating on Santa Fe Avenue and destined to the east via Gilman Street, will not need to cross any tracks and traffic from Santa Fe Avenue destined to San Pablo Avenue can easily divert to Curtis Street and continue along Curtis Street. It further appears from the evidence that certain negotiations are under way for the consideration of the opening of such a connecting street. Not only would the opening of such a street between Santa Fe Avenue and Gilman Street divert traffic away from the railroad tracks, but it would also confine the traffic that would continue to cross the tracks to a lesser number of locations and under such conditions better facilities for the protection of vehicular traffic can be more readily furnished.

Since the time when former proceedings (Application No. 12149 and Application No. 14444) looking toward the opening of these crossings were dismissed, Francis Street has been cut through between Curtis Street and Santa Fe Avenue, about one long block north of the proposed crossing, thereby giving an access to Curtis Street from those living along Santa Fe Avenue to the north, but those living on Santa Fe Avenue, between Francis Street and the proposed crossing, must go north on Santa Fe Avenue to Francis Street, thence by way of Francis Street and

Curtis Street to get across the railroad.

From the record herein we are of the opinion and hereby conclude that public convenience and necessity do not justify the opening of an additional grade crossing in this vicinity and that the most feasible method of treating this situation would be for the municipal authorities to open a street connecting Santa Fe Avenue, Curtis Street and Gilman Street east of and parallel to the Key System right-of-way.

ORDER

The City of Berkeley having made application for permission to construct Santa Fe Avenue at grade across the track of The Atchison, Topeka and Santa Fe Railway Company and the track of Key System Transit Company, a public hearing having been held, the matter having been duly submitted, the Commission being now fully advised and basing its order on the conclusion as set forth in the preceding opinion,

IT IS HEREBY ORDERED that this application be and it hereby is denied without prejudice.

Dated at San Francisco, California, this 12<sup>th</sup> day of April, 1928.

Leon White  
C. Seavey  
W. D. Rouse  
W. J. L.  
COMMISSIONERS.