

ORIGINALDecision No. 52775

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
 CITY OF BERKELEY, a municipal corporation,)
 for an order authorizing the construction)
 of Cedar Street across the railroad tracks) Application No. 37232
 of the Atchison, Topeka and Santa Fe)
 Company, in the City of Berkeley, County)
 of Alameda, State of California.)

Fred C. Hutchinson, City Attorney and Robert T. Anderson, Assistant City Attorney, for applicant

James K. Gibson, for the Commission's staff

O P I N I O N

The City of Berkeley filed this application on August 19, 1955. Public hearing was held before Commissioner Hardy and Examiner Power in Berkeley on December 15, 1955. The City called its manager, the Director of Planning, the president of the Berkeley Manufacturer's Association, the Director of Public Works and two engineers. Eight exhibits were included in its showing. The Commission's staff called an engineer through whom the staff exhibit was presented. The Santa Fe Railway made no appearance.

The campus of the University of California extends from the hills at the eastern edge of Berkeley far down into the city. The principal business district adjoins the campus on its western edge. The two constitute a serious obstruction to the flow of traffic from north to south in a great part of Berkeley. Cedar Street is an east-west street extending from La Loma Street in the hills on the eastern edge of town to the frontage road of the east shore freeway on the edge of San Francisco Bay.

Berkeley's master plan ⁽¹⁾ adopts Cedar Street as a "secondary thoroughfare" a somewhat misleading title. It is defined in the plan (page 68) as "a trafficway serving community traffic by providing access to major thoroughfares". Cross-traffic is stopped at such a street. Cedar Street intersects every important north-south trafficway shown on the master plan map. The Santa Fe's main line runs in a roughly north and south direction in the western part of Berkeley. The two intersect a short distance east of San Pablo Avenue in the northwestern part of Berkeley.

The Commission's staff did not oppose the Cedar Street crossing but contended that one or more other grade crossings in the neighborhood should be closed. The staff engineer's Exhibit (No. 8) pointed out that there are now thirty-one crossings in Berkeley within a distance of substantially less than three miles measured along the Santa Fe track.

The Cedar Street crossing will have certain bad characteristics of its own. The grade of approach from the west will be 8 per cent. The Commission prefers to hold crossing approach grades to a maximum of 6 per cent although this rule is not inflexible. Visibility, especially to a driver approaching from the west, will be impaired by buildings as well as by the steep grade. Visibility when approaching from the East will also be impaired, although to a lesser degree.

The Commission would be inclined to deny this application because of the adverse factors were it not for the inclusion of Cedar Street in the master plan. The consequences of disturbing that plan might well be out of proportion to the hazard involved at this crossing site. The Commission, therefore, will grant

(1) Exhibit No. 3 in this proceeding.

the application subject to two conditions of which the first is that at least one other grade crossing be closed to vehicles.

The second condition has to do with protection. From what has been said it will be apparent that this must be at a maximum. The street is intended to be heavily used. Rail traffic is substantial but is restricted by a twenty miles per hour speed limit. Parenthetically, it will be noted that the numerous crossings on this section of the Santa Fe are an obstruction to the flow of rail-borne commerce as well as a hazard to automobile riders. It is the Commission's opinion that the protection at this proposed crossing should consist of half gates, automatically operated.

The Commission prefers not to make its own selection of a crossing to be closed. We believe that if the local planning authority participates the chance of a workable result will be increased. The City need not limit its selections to any one crossing. Any crossing selected by the City to be closed to vehicles may be left open to pedestrians, if that is desired.

The Commission finds that public convenience and necessity require that the authority here sought be granted. The Commission further finds that the protection suitable for the sought crossing will consist of two flashing light signals equipped with half gates to restrain vehicular traffic. The Commission finally finds that public convenience and necessity do not require more than the present number of crossings in the City of Berkeley.

O R D E R

Public hearing having been held upon this application,

the matter having been submitted and being now ready for decision and the Commission basing its judgment upon the findings and conclusions set forth in the foregoing opinion; therefore,

IT IS ORDERED:

(1) That the City of Berkeley, by supplemental order herein, will be authorized to construct Cedar Street at grade across tracks of The Atchison, Topeka and Santa Fe Railway Company in Alameda County, at the location described in the application to be identified as Crossing No. 2K-7.51. Applicant shall bear entire construction expense, also maintenance cost outside of lines two feet outside of rails. The Atchison, Topeka and Santa Fe Railway Company shall bear maintenance cost between such lines and of the signal protection hereinafter provided. Width of crossing shall be not less than fifty (50) feet and grades of approach not greater than 8 per cent. Construction shall be equal or superior to Standard No. 2 of G. O. No. 72. Protection shall be by two Standard No. 8 crossing signals (G. O. No. 75-B) equipped with half gates for the restraint of vehicular traffic.

(2) That said supplemental order will issue upon designation by the applicant of one or more grade crossings by streets with main line tracks of The Atchison, Topeka and Santa Fe Railway Company which crossing, or one of which crossings, shall be one lying northerly of University Avenue.

(3) That within thirty days after completion pursuant to said supplemental 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.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13th day of March, 1956.

John E. Mitchell
President

Justin J. O'Connell

Raymond L. Winterstein

Matthew Dooly

R. Hardy
Commissioners