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Decision No. 53563

ORIGINAL

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 of The Atchison Topeka) Application No. 37232
 and Santa Fe Company, in the City of)
 Berkeley, County of Alameda, State of)
 California.)

Fred C. Hutchinson and Robert T. Anderson
 for applicant.
Martin J. Lewis for the Commission staff.

O P I N I O N

Decision No. 52775 was rendered in the above matter March 13, 1956. Petition for rehearing was filed April 2, 1956 and rehearing was granted by order dated June 4, 1956.

Public hearing on rehearing was held July 18, 1956, in Berkeley, California, before Examiner Rowe, at which time additional evidence both oral and documentary was adduced and the matter submitted for decision. Notice of this hearing and of the application and the petition for rehearing was served upon the railroad company.

Considering the evidence produced by applicant on rehearing together with the evidence introduced at the original hearing held December 15, 1955, it appears and the Commission finds that public convenience and necessity require that the authority herein sought be granted. The Commission further finds that the requirement of half gates in addition to two Standard No. 8 flashing light signals lacks evidential support in the record. Upon reconsideration the Commission is of the opinion and finds that the order contained in

said Decision No. 52775, dated March 13, 1956, should be vacated and a new order should be entered permitting and authorizing such grade crossing with said No. 8 flashing lights and with grades of approach not greater than 6 per cent as now proposed by the City. The City will not be required to designate another crossing in the City to be closed.

O R D E R

Public hearing on rehearing having been held upon this application, the matter having been submitted and the Commission being fully advised in the premises;

IT IS ORDERED:

(1) That the order contained in Decision No. 52775, dated March 13, 1956, is vacated.

(2) That the City of Berkeley is hereby authorized to construct Cedar Street at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company, at the location described in the application as amended, said crossing 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 the 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 the crossing shall be not less than fifty feet and grades of approach shall be not greater than 6 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 8 flashing light signals (G.O. No. 75-B).

(3) That within thirty days after completion pursuant to the above ordering paragraphs (1) and (2), applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within one year unless time be extended.

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

Dated at San Francisco, California, this 7th day of August, 1956.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner Ray E. Untereiner, being necessarily absent, did not participate in the disposition of this proceeding.