

ORIGINAL

Decision No. 14415

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of the City of Oakland to extend )  
and construct East 12th Street at )  
grade across the tracks of the )  
Southern Pacific Company and the )  
Central Pacific Railway Company )  
between 46th and 47th Avenues in )  
said City. )

Application No. 10540.

Leon Gray for Applicant.  
F. W. Mielke for Southern Pacific Company.

WHITTLESEY, COMMISSIONER.

O P I N I O N

This is an application by the City of Oakland for permission to construct East 12th Street at grade across the tracks of the Southern Pacific Company's Melrose Line at Melrose Station, Oakland, Alameda County.

A public hearing was held in Oakland, Wednesday, November 26th, 1924.

The main through artery of the eastern part of Oakland is East 14th Street, extending easterly from Lake Merritt through East Oakland and San Leandro and connecting with the main county roads to the east and south. East 12th Street, upon which the proposed crossing is located, runs in the same general direction as East 14th Street from Lake Merritt to 54th Avenue, a north and south street. Until recently, sev-

veral sections of East 12th Street were not connected through; therefore it did not constitute a continuous line for travel, but now the street has been constructed through these sections and it is continuous over the entire distance mentioned except at the point of the proposed crossing.

East 14th Street is now the main traveled artery to the east from the business center of Oakland, and is also the most important business street through East Oakland. The opening of East 12th Street through to the Southern Pacific tracks at Melrose has taken considerable amount of traffic away from East 14th Street west of the railroad tracks. This traffic finds its way back to East 14th Street over various north and south streets. By the opening of the crossing, an opportunity will be afforded for such of this traffic that elects so to do, to continue along East 12th Street east of the railroad tracks.

The evidence shows that East 12th Street is not well located as a through street, as it stops at 54th Avenue, and then traffic must use 54th Avenue or other avenues to the west and go to East 14th Street in order to continue easterly. In fact, it appears that in order to relieve the heavy traffic congestion on East 14th Street, the City of Oakland is now developing plans for the opening of East 10th Street (or Russett Street) from about Fruitvale Avenue to San

Leandro, a distance of nearly five miles to serve as an additional through traffic artery to the east. The City expects that this street will be constructed within approximately two years, and that then traffic conditions on East 14th Street will be greatly relieved and that through traffic will also be diverted from East 12th Street.

For the convenience of local traffic along East 12th Street, the opening of this crossing is necessary as a direct connection can be made between those portions of the street on either side of the railroad and eliminate the necessity of detouring to East 14th Street where the traffic is already congested.

It appears that the expense required to separate grades at this time is not warranted, and that when grade separation becomes necessary, both the East 14th Street crossing and the East 12th Street crossing must be considered at the same time.

The railroad at the point of crossing, consists of a double track suburban main line and three spur tracks. Over the main line is operated three electric trains in each direction per hour from about 6:00 A.M. to 7:00 P.M., and one train every forty minutes in each direction thereafter until about midnight. Freight cars are handled over the spur tracks as well as the main tracks by steam locomotives, as necessity requires.

Although the view of approaching trains is not seriously obstructed at the present time on either side of the crossing, it would appear that this crossing will be of sufficient importance to require more protection than the usual crossing sign and advance warning signs.

The Southern Pacific Company contended that the crossing should be protected by uniformed traffic officers of the City with police authority, and objected to the installation of automatic flagmen on the ground that there is no authority requiring vehicular drivers to stop when the automatic flagman is in motion. This ob-

jection to automatic flagmen, representatives of the Southern Pacific Company stated, would be largely removed if a city ordinance were put into effect requiring drivers of vehicles to stop before going upon or over the crossing when the automatic flagmen were in motion. Representative of the applicant stated it was his opinion that this would be satisfactory and that the governing Body of the City of Oakland would pass such an ordinance. It therefore appears reasonable, under these conditions, that the crossing be protected by two automatic flagmen, and that switching movements over the crossing shall be protected, by a member of the train crew or other competent employee of the railroad.

Convenience and necessity require the opening of a crossing at grade across the tracks of the Southern Pacific Company at East 12th Street, and it appears equitable that the expense of constructing the crossing and automatic flagmen be borne by the applicant, but that the maintenance of the automatic flagmen thereafter be borne by Southern Pacific Company.

The following form of Order is recommended:

O R D E R

The City of Oakland having made application for permission to construct East 12th Street at grade across the tracks of the Southern Pacific Company and the Central Pacific Railway Company between 46th and 47th Avenues in the City of Oakland, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted the City Council of the City of Oakland, State of California, to construct East 12th Street at grade across the tracks of Southern Pacific Company, in the vicinity of Melrose Station, City of Oakland, County of Alameda, State of California, in the location as shown on the map attached to this application.

subject, however, to the following conditions, viz:—

(1) That the entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to lines two feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of said crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width of not less than 36 feet and at an angle of 90 degrees to the railroad and with grades of approach not greater than one (1) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other street traffic.

(3) Two automatic flagmen shall be installed for the protection of said crossing at the sole expense of applicant; said automatic flagmen to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said flagmen shall be borne by Southern Pacific Company. Said automatic flagmen shall be located one on each side of the tracks of said railroad and one on each side of said street. Said automatic flagman shall be installed and in operation within thirty (30) days from the effective date of this order.

(4) No switching movement shall be made by any engine, car or train of Southern Pacific Company over said crossing unless under full control and unless preceded by a member of the train crew or other competent employee, to warn the public of the approach of trains.

(5) Applicant shall within thirty (30) days thereafter notify this Commission, in writing, of the completion of the installation of said crossing.

(6) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void 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, the public convenience and necessity demand such action.

This order shall become effective ten (10) days after the making thereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 30<sup>th</sup> day of December, 1924.

*C. Seaver*

*James Masterson*

*J. T. Whitney*  
Commissioners.