

Decision No. 16210.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
the City of Oakland, a municipal cor-
poration, for an order requiring con-
struction of a subway at the crossing
of Goss Street by tracks of the Sou-
thern Pacific Railroad Company.

ORIGINAL

Application No. 12543.

Leon E. Gray, for the City of Oakland.

E. J. Foulds, for Southern Pacific Company.

T. A. Goodrick, for Western Water Front In-
dustries Association.

DECOTO, COMMISSIONER:

O P I N I O N

In the above entitled application the City of Oakland, a municipal corporation, asks for an order authorizing the construction of a subway at Goss Street under the main line and electric suburban railway tracks of the Southern Pacific Company and apportioning the costs in accordance with a mutual understanding between the interested parties. Public hearing on this application was held in San Francisco on March 11th, 1926, at which time the matter was submitted.

This proceeding is the outgrowth of the construction of Seventh Street at grade across Southern Pacific Company tracks in the City of Oakland, as authorized by Decision No. 8143, dated September 24th, 1920, and Decision No. 8912, dated May 2nd, 1920, rendered in Application No. 5950. At the time that application was before the Commission for consideration, the question of grade separation at Seventh Street was raised, for the reason that there was in contemplation at that time the installation of a vehicular ferry service from the foot of Seventh Street, to be rendered by the Six-Minute Ferry Company and in commenting

upon this feature, the Commission stated:

"Evidence points to the fact that the grade separation can be made in about the same time as the ferry slips and the boats can be constructed and it seems reasonable then to conclude that there is no necessity for a commencement of separating the grades of Seventh Street on the Southern Pacific tracks until the construction of the Six-Minute Ferry Company's boats and slips are actually started. It must be taken into consideration, however, that this conclusion is predicated upon the present relatively light vehicular traffic on Seventh Street."

A crossing at grade was accordingly authorized at Seventh Street until such time as traffic conditions should warrant a separation of grades and subject to provisions requiring thorough protection.

Although the contemplated ferry service by the Six-Minute Ferry Company was never started, there has since been inaugurated a vehicular ferry service from the foot of Seventh Street by the Southern Pacific Company with the result that there is a large volume of traffic over the existing grade crossing at Seventh Street.

The City now proposes, in lieu of a grade separation at Seventh Street, to construct a subway opposite the extension of Goss Street, which is located between Seventh and Eighth Streets and approximately parallel thereto. The proposed subway project includes the construction of a connecting roadway from the westerly end of the subway to the existing pavement of Seventh Street west of the railroad and the improvement of Goss Street easterly to Wood Street, where by rounding off the corners of the property at the intersection of Goss and Wood Streets, a convenient diversion of the traffic can be made, toward both Eighth Street and Seventh Street. The structure itself will have a clear roadway width of 23 feet with 5 per cent approach grades and a sidewalk width of 6 feet.

The plan also proposes the relocation of the Southern Pacific's so-called Cedar Street track, over which some seventy switching and freight movements take place daily, thus providing for a grade separation

of the street traffic from this freight line also. The projects, as set forth in the plans introduced as Southern Pacific's Exhibit No. 1, are estimated to cost as follows:

	<u>TOTAL COST</u>
New Tracks	\$ 38001
Take up existing tracks	7261
Raise tracks at subway	4261
Remove present grade crossing	500
Replace rail and ties where Xings are removed	296
Total -	<u>\$ 50319</u>
Salvage	<u>5111</u>
Net Cost -	\$ 45208
Signal work made necessary by track changes	25096
Salvage	<u>1200</u>
Net Cost -	\$ 23896
Signal work - Additional facilities	5644
Engineering	11248
Subway	233690
Property	30500
False work	25000
Pave Goss St.	<u>20000</u>
Total -	<u>\$320438</u>
TOTAL -	<u>\$395,186</u>

It is agreed by the City and the Southern Pacific Company that all of the items included in this estimate, except that designated as "Signal work - Additional facilities," amounting to \$5,644, are to be equally divided between the railroad and the political sub-divisions interested, the excepted item to be borne exclusively by the Southern Pacific. This estimate provides for a subway barrel, having a length of 157 feet, sufficient to take care of seven tracks, the same number of tracks which Southern Pacific now has across Goss Street or its proposed extension. Southern Pacific, however, has asked for the privilege of having the subway barrel lengthened to accommodate an additional or eighth track if it so elects, the additional cost of such longer barrel, however,

to be borne exclusively by the Southern Pacific Company.

The applicant, City of Oakland, states that it has an understanding with the County of Alameda, whereby the County will contribute twenty-five (25) per cent of the cost of this improvement. Both the Southern Pacific and the City of Oakland have come to an understanding as to this division of cost, subject to a stipulation that they do not wish this agreement to be considered as a precedent for determining divisions of cost in any other case.

The County of Alameda did not appear at the hearing to set forth its position in this matter but the applicant, City of Oakland, stated that it would be entirely acceptable to it if the Commission were to divide the cost of this project equally between the applicant and the Southern Pacific Company, in which case the City would rely upon its understanding with the County authorities for their assistance in the financing of its portion of the work.

It appears that the interested parties in this case agreed upon the following essential features of this grade separation:

1. That public convenience and necessity justify a grade separation at this location.
2. That such grade separation should be constructed at the extension of Goss Street.
3. That the grade separation should be effected by the construction of a subway under the tracks of the Southern Pacific Company, including the relocated Cedar Street "lead".
4. That the expense of providing this grade separation, including all work necessary and incident thereto, including the necessary relocation and reconstruction of trackage and the necessary grading, paving or widening of suitable connecting roadways shall be equally divided between Southern Pacific Company, on the one hand, and the City of Oakland, assisted by the County of Alameda, on the other hand.
5. That Seventh Street should be vacated at the point of its present crossing and the existing grade crossing at that point should be abolished.

All of these features appear to be consistent with public interest. The dimensions of the proposed subway are consistent with those provided in General Order No. 26-a of this Commission and the traffic capacity of the proposed structure appears to be entirely adequate for present conditions and it further appears that nothing in

the plans proposed would prevent, should necessity arise, the provision of a second subway barrel immediately adjacent to the southerly side of the one now under consideration.

The Western Water Front Industries Association appeared to urge the early construction of this subway and represented that automobile traffic was now delayed at the existing Seventh Street crossing approximately forty-two (42) per cent of the time.

Under the facts, as presented, I am convinced that the improvements proposed should be made at an early date and that the agreement that has been reached by the interested parties is equitable. The application should therefore be granted.

The particular request that Southern Pacific if it so desired be allowed to provide for a longer subway barrel at its own expense in order to accommodate an eighth track appears to the Commission a reasonable request and is one to which the City of Oakland has already acceded.

The following form of order is recommended:

O R D E R

The City of Oakland, having made application for an order approving the construction of a subway at the extension of Goss Street across the tracks of the Southern Pacific Company and for an order apportioning the cost thereof, 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 the City of Oakland and Southern Pacific Company be and they are hereby directed to abolish the existing grade crossing of Seventh Street in the City of Oakland, constructed in accordance with the authority granted by Decision No. 8912, by constructing a subway along Goss Street and an extension thereof westerly substantially in accordance with plans shown in Southern Pacific's

Exhibit No. 1, filed in this proceeding, and specifically in accordance with detailed plans and specifications which shall be filed with and approved by this Commission prior to the commencement of construction of said subway.

IT IS HEREBY FURTHER ORDERED, that the cost of constructing said subway in and along Goss Street and the cost of abolishing said existing grade crossing at Seventh Street shall be divided equally between said City of Oakland and said Southern Pacific Company and specifically in accordance with an agreement which shall be entered into, subject to the approval of this Commission, relative to the construction of said subway, provided, however, that nothing herein contained shall be construed as preventing the County of Alameda from contributing such portion of the cost herein assessed to the City of Oakland as shall be mutually agreed upon by said City of Oakland and said County of Alameda and provided, further, that no portion of the cost herein assessed to said City of Oakland shall in any manner whatsoever be assessed against the operative property of said Southern Pacific Company.

IT IS HEREBY FURTHER ORDERED, that should said Southern Pacific Company elect to have constructed a subway of longer barrel to provide for an eighth track, it shall be permitted to do so, provided all extra cost and expense incurred thereby shall be borne by it.

IT IS HEREBY FURTHER ORDERED, that the maintenance of said subway shall be borne in accordance with an agreement which may be entered into, subject to the approval of this Commission, between said City of Oakland and said Southern Pacific Company, or in the absence of said parties reaching such an agreement, said maintenance shall be borne in accordance with such terms as the Commission may determine by supplemental order.

IT IS HEREBY FURTHER ORDERED that applicant, City of Oakland,

and Southern Pacific Company shall each notify this Commission, in writing, within thirty (30) days thereafter, of the completion of those portions of the work which each of said parties shall have undertaken in the carrying out of this project.

IT IS HEREBY FURTHER ORDERED, that the Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said subway as to it may seem right and proper.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

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 17th day of March, 1926.

H. B. Brundage

Frank J. ...

Leon ...

Commissioners.