

Decision No. 17606

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

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
Southern Pacific Railroad Company.

Application No. 12,543.

Leon E. Gray, for the City of Oakland.
E. J. Foulds, for Southern Pacific Company.
Harrison S. Robinson, for Downtown Association.
William M. Tudor, for California State Automobile
Association.
W. J. Bergsma, for West Oakland Boosters Club,
and the Bay View Improvement Club.

DECOTO, COMMISSIONER:

OPINION ON FURTHER HEARING

The City of Oakland filed the above entitled application with the Commission on February 16, 1926. The application sets forth that the City of Oakland and the Southern Pacific Company had agreed to the type and location of a grade separation of the railroad and highway traffic passing over the Seventh Street grade crossing in West Oakland and had also agreed as to the apportionment of the cost thereof.

In accordance with the agreement of the parties thus expressed and after public hearing, the Commission made its Decision No. 16,210 in the above entitled proceeding on the 17th of March, 1926, in which the City of Oakland and the Southern Pacific Company were directed to abolish the existing grade crossing of Seventh Street in Oakland, by constructing a subway along an extension of Goss Street westerly under the tracks of the Southern Pacific. Plans and specifications for this subway were approved by the Com-

mission on May 25th and the agreement covering its construction and apportioning the cost thereof were approved on June 17, 1926.

On September 22, 1926, the City of Oakland filed with the Commission a petition for an order vacating said Decision No. 16,210 and reopening the proceeding for further hearing. This petition was granted by the Commission on September 24, 1926, in Decision No. 17,364, in which the Commission's prior order was set aside and the matter reopened for further hearing and determination. Further hearings were accordingly had at Oakland on October 5th and October 20, 1926.

At these two hearings the Southern Pacific Company introduced several different plans and estimates for separating the grades of the Seventh Street traffic with their lines. The Engineering Department of the Commission presented two plans for inexpensive temporary viaduct construction at Seventh Street and at Coss Street. The Commission's engineers also presented evidence relating to the annual costs of many of the plans suggested. The several plans now before the Commission for consideration, together with their total and annual costs are given in the following tables.

TABLE I
COMPARISON OF COSTS OF CONSTRUCTION

<u>Exhibit No.</u>	<u>Location</u>	<u>Type</u>	<u>Design</u>	<u>Total Cost</u>
S.P. Ex. "C"	Coss St.	Subway	Conc. & Steel	\$409,186.
S.P. Ex. "D"	7th St.	Subway	Conc. & Steel	827,748.
S.P. Ex. "E"	7th St.	Viaduct	Conc. & Steel	392,223.
S.P. Ex. "E ₂ "	7th St.	Viaduct	(Wood approach)	293,917.
S.P. Ex. "F"	(Nr. 7th St.)	Subway	Conc. & Steel	547,685.
S.P. Ex. "G"	7th St.	Viaduct	(Wood approach)	285,409.
S.P. Ex. "H"	Coss St.	Viaduct	(Wood approach)	241,859.
S.P. Ex. "I"	Shorey St.	Viaduct	(Wood approach)	213,507.

<u>Exhibit No.</u>	<u>Location</u>	<u>Type</u>	<u>Design</u>	<u>Total Cost</u>
S.P. Ex. "J"	(Bet. 7th & Goss Sts.)	Subway*	Conc. & Steel	\$432,186.
S.P. Ex. "K"	Goss St.	Subway**	Conc. & Steel	491,462.
C.R.C. Ex. 1	Prop. "A"	7th St. Viaduct	Timber	221,308.
C.R.C. Ex. 1	Prop. "B"	Goss Viaduct	Timber	184,980.

*Differs from Exhibit "C" only as to slight shift in location and in having entrance into Seventh instead of Goss Street.

**Differs from Exhibit "C" in having entrance from both Goss and Seventh Streets.

TABLE II
COMPARISON OF ANNUAL COSTS

<u>No. of Exhibit</u>	<u>Location & Separation</u>	<u>Assumed Life Yrs.</u>	<u>Annual Cost</u>	<u>Assumed Obsolete Life Yrs.</u>	<u>Annual Cost</u>
S.P. Co. Ex. "C"	Subway Goss St.	50	\$33,335.	20	\$45,610.
"D"	(Subway 7th St.)	50	68,320.	20	93,152.
"E"	Viaduct 7th St.	40	33,639.	20	43,444.
"E ₂ "	Viaduct 7th St.	30	28,232.	20	33,131.
"F"	Subway nr. 7th St.	50	44,175.	20	60,605.
"G"	Viaduct 7th St.	30	27,439.	20	32,195.
"H"	Viaduct Goss St.	30	23,374.	20	27,405.
"I"	Viaduct Shorey St.	30	20,727.	20	24,285.
"J"	Subway bet 7th & Goss Sts.	50	35,225.	20	48,190.
"K"	Subway Goss St. & 7th St.	50	39,966.	20	54,710.
C.R.C. Prop. A	Viaduct 7th St.	20	25,143.	20	25,143.
C.R.C. Prop. B	Viaduct Goss St.	20	21,148.	20	21,148.

*Computed since final hearing.

Tables I and II show that the structures north of Seventh Street are cheaper than corresponding structures at Seventh Street, both as to total costs and as to annual costs.

The Southern Pacific Company took the position of preferring a grade separation at Goss Street, but of being entirely willing to construct a viaduct at Seventh Street if the Commission

should so require. The Company, however, urged that no plan be adopted which would require an unreasonably large expenditure of money.

Harrison S. Robinson, representing Oakland Chamber of Commerce, the Uptown Association and the Downtown Association, objected to the construction of the separation at either Goss Street or Shorey Street and declared in favor of a viaduct at Seventh Street in accordance with plan submitted by Southern Pacific Company as Exhibit "G" as being of reasonable cost and more desirable from the standpoint of the public than any of the other designs. He expressed the opinion that the growth of the West Oakland water front, and the possibility of the construction of a transbay bridge were matters which made it necessary to forego the construction of a permanent type of construction. He advocated the erection of a relatively cheap form of viaduct with a life of about twenty years because of the inability now to foresee what changes in requirements might occur after that period.

There is, without doubt, a present urgent necessity for grade crossing relief at this point and there appears to be no reason why a temporary viaduct should not be erected without further delay.

The engineers who have investigated this grade separation have recommended that such separation should be made north of Seventh Street. Considerable evidence was introduced relating to the first costs and annual costs of the various types of structures for the several locations considered. Testimony was also given in regard to the trend and amount of traffic and the routing thereof. First and annual costs show favorable results for the location of the separation north of Seventh Street.

A separation thus located would discharge most of the traffic onto Eighth Street. Eighth Street is a much narrower street than

Seventh Street and is occupied by an important street car line of the Key System Transit Company. The introduction of a large volume of through traffic onto this street would create a hazard to passengers getting on or off of the street cars which operate under frequent headway.

A large part of the automobile traffic using the Southern Pacific automobile ferry at Oakland Pier is through traffic and should be diverted from the congested business area of Oakland. Seventh Street is at the southerly line of this area and is the most suitable artery for all through traffic to points south of Oakland. It is also more accessible for traffic from the City of Alameda.

The highway alignment for a separation at Seventh Street is superior to any of the alignments proposed for separations north of Seventh Street in that it is straight, while the other alignments have undesirable curves. There appears to be a greater hazard to timid and reckless drivers on heavily curved alignments than would exist on a straight alignment such as can be built at Seventh Street. Also, Seventh Street is wide, is well paved, and is well lighted. The cost of the separation at Seventh Street will be limited to the construction of the separation itself, while the separations north of Seventh Street will create costs of street improvements to the city which will not be included in the cost of separation and all of which have not been included in the estimates of some of the plans. A viaduct at Seventh Street can also immediately proceed to completion without delay as no other street work or acquiring of private property is required for such a viaduct.

After a careful consideration of all of the evidence of this proceeding, it is my opinion that a viaduct should be built over the tracks of the Southern Pacific Company, at Seventh Street.

generally in accordance with the plan shown in Southern Pacific Company's Exhibit G and estimated to cost in the neighborhood of \$285,409.

Nothing was presented in the record to show that the apportionment of costs provided in Decision No. 16,210 were not equitable and a similar apportionment of costs will therefore be ordered for the viaduct construction. The following form of order is recommended:

O R D E R

Decision No. 16,210, dated March 17, 1925, on the above entitled proceeding having been set aside and the matter having been reopened for further hearing upon petition by the City of Oakland, further public hearings having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that Southern Pacific Company be and it is hereby directed to abolish the existing grade crossing of Seventh Street in the City of Oakland by constructing a viaduct along Seventh Street and an extension thereof westerly, capable of spanning seven tracks, substantially in accordance with plans shown on Southern Pacific Company's Exhibit G, 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 viaduct.

IT IS HEREBY FURTHER ORDERED that the cost of constructing said viaduct and of abolishing the existing grade crossing at Seventh Street shall be divided equally between said Southern Pacific Company and the City of Oakland, except for certain additional signal facilities shown on Southern Pacific Company's Exhibit "G 1" which shall be exclusively paid for by Southern Pacific Company,

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 the 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 longer viaduct to provide for an eighth track, it shall be permitted so to do, provided all extra cost and expense incurred thereby shall be borne by it.

IT IS HEREBY FURTHER ORDERED that the maintenance of said viaduct 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 the Southern Pacific Company shall notify this Commission, in writing, within thirty (30) days thereafter, of the completion of the grade separation.

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 viaduct 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 12th day of November, 1926.

H. B. Brundage

W. H. ...

Edward ...

J. W. ...

Commissioners.