

ORIGINAL

Decision No. 23806

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 THE CITY COUNCIL of Albany, California,)
 BENJAMIN W. MOWDAY, Mayor, for an)
 order authorizing the opening of a grade) Application
 crossing over The Atchison, Topeka &) No. 17329
 Santa Fe Railway Company right of way)
 on Carfield Avenue forty (40) feet)
 easterly from Masonic Avenue.)

L. T. Hardie, City Attorney of the
 City of Albany, for Applicant.

Wm. F. Brooks, for The Atchison, Topeka &
 Santa Fe Railway Company, Protestant.

BY THE COMMISSION -

O P I N I O N

The Council of the City of Albany has petitioned the Railroad Commission for an order authorizing the construction of a grade crossing over the track of The Atchison, Topeka and Santa Fe Railway Company at Carfield Avenue in said city.

A public hearing on this application was conducted by Examiner Handford at Albany at which time evidence was taken, the matter was duly submitted and it is now ready for decision.

The Oakland-Richmond line of the Santa Fe Railway is laid out in a north and south direction through the City of Albany, parallel to and about 1500 feet easterly of San Pablo Avenue, the principal north and south thoroughfare. The business district centers on the intersection of San Pablo and Solano Avenues, Solano Avenue being the principal east and west street. Various east and west streets serving the residential district cross the Santa Fe Railway, beginning from the north city limits in the following order:

<u>Name of Street</u>	<u>Crossing No.</u>	<u>Distance to next crossing south</u>	<u>Present Proction</u>
Brighton Ave.	2K-5.9	1120 feet	Crossing Sign and Wigwag
Portland Ave.	2K-6.0	611 "	" " " "
Washington Ave.	2K-6.1	880 "	" " " "
Solano Ave.	2K-6.5	1057 "	" " " "
Marin Ave.	2K-6.7	1075 "	" " " "
Dartmouth St.	2K-6.9	-	Crossing Sign.

Garfield Avenue, which it is proposed to construct, is located between Brighton Avenue and Portland Avenue. The distance from Garfield Avenue to either Brighton or Portland Avenues is 560 feet.

Applicant presented evidence in support of its petition to the effect that agreement had been reached with property owners to construct Garfield Avenue from Masonic Avenue to Key Route Boulevard, providing the application is granted, this being a distance of approximately two blocks. Upon the completion of such construction, Garfield Avenue would form a continuous street from San Pablo Avenue on the west to the Albany city limits on the east, connecting directly with Thousand Oaks Boulevard in the North Berkeley district. The record shows that it is planned to develop the district along Garfield Avenue between Masonic Avenue and Key Route Boulevard as a residential district and that as an assistance to such development the construction of the proposed crossing would be desirable.

The city also presented a report of Mr. Ward Hall, one of the Commission's engineers, dealing with public transportation service in Albany. This report recommends the desirability of a trial of common carrier bus service from the general vicinity of the intersection of Colusa Avenue and Thousand Oaks Boulevard, westerly to San Pablo Avenue. The report further indicates that such service could be provided at the present time along Portland Avenue to San Pablo Avenue, or in the event this application is granted, along

Garfield Avenue to San Pablo Avenue. The City of Albany, in considering the report, suggested to the Commission that at least until such time as Garfield Avenue is opened it would be practical from a service standpoint to the community north of Solano Avenue to have the bus operated along Portland Avenue.

The Atchison, Topeka & Santa Fe Railway Company in protesting the granting of the application, presented evidence through its Superintendent and Division Engineer, to the effect that the construction of additional grade crossings created additional hazards to the public and that the city was adequately served by the existing grade crossings.

We have carefully considered the record in this proceeding and are of the opinion that public convenience and necessity do not require the construction of the proposed Garfield Avenue crossing at grade, as applied for at this time. The evidence shows that the distance between the existing crossings of Brighton and Portland Avenues is approximately the same as the distance between Solano Avenue and Marin Avenue, and between Marin Avenue and Dartmouth Street, all of which are less than one-quarter mile apart and appear to adequately serve the districts. It appears there is no portion of the territory which is inaccessible at the present time and that the opening of the proposed crossing would serve merely as a slight convenience for local traffic. It also appears from the transportation report referred to above that public bus service may be rendered either along Portland Avenue or along Garfield Avenue, and that in denying the application for the proposed crossing the Commission is not hindering the establishment of public transportation service as recommended in such report.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission

being now fully advised,

IT IS HEREBY ORDERED that this application be and the same is hereby denied.

The effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 22nd day of June, 1931.

Clarence

Leon

W. B. Landa

Frederic G. Stewart

COMMISSIONERS.