

ORIGINAL

Decision No. 7034.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of  
DIRECTOR GENERAL OF RAILROADS,  
SOUTHERN PACIFIC RAILROAD, for  
an order authorizing the construc-  
tion of spur track at grade across  
47th, 48th, 49th, 50th, 52d and 53d  
Avenues and Vine Street, in the  
City of Oakland, County of Alameda,  
State of California.

Application No. 5213.

- Frank B. Austin for United States Railroad Administration-Southern Pacific Company.
- A. J. Treat for Federal Wool Manufacturing Company.
- Louis S. Wetmore for Libby, McNeill and Libby.
- Charles L. Brown for protesting property owners of Melrose Station Tract.

MARTIN, Commissioner.

OPINION

In this application the Director General of Railroads, Southern Pacific Railroad, seeks permission to construct a spur track at grade across 47th, 48th, 49th, 50th, 52d, 53d Avenues and Vine Street, in the City of Oakland, Alameda County, California. Resolution No. 19537 New Series, passed by the Oakland City Council, grants permission for the construction of this spur as applied for.

At the request of property owners residing in the Melrose Station Tract, a public hearing was held on January 9, 1920, at San Francisco.

The spur track covered by this application starts in the railroad yard near Melrose Station, swings to the right and runs nearly parallel with and about thirty or forty feet distant from the main line of the Western Pacific Railroad from 48th Avenue to 50th Avenue. At 50th Avenue the spur runs in and along East 10th Street for about a block and a half and then meanders by a narrow private right of way into the large acreage between 48th and 50th Avenues, where the plants of the Federal Wool Manufacturing Company and of Libby, McNeill and Libby are to be located.

The blocks of land between East 10th and East 12th Streets, from 47th Avenue to 50th Avenue, are vacant, except for one factory plant on East 12th Street. The remaining portion of the district traversed by the spur is rather thickly built-up with small residences. The streets in this section, with the exception of 48th and 49th Avenues, have recently been improved with macadam pavements, concrete gutters and sidewalks. 50th Avenue is the only street to be crossed by this spur which extends southerly across the main line tracks of the Central Pacific Railway. All of the streets are open over the main line of the Western Pacific Railroad Company.

The portion of Oakland lying between 23d Avenue and 54th Avenue is rapidly being given over to industrial purposes. This industrial growth will almost certainly continue in the future, until the entire district, including the portion now given over to residences, will be devoted to industrial plants. During such growth it is true that the residence property will depreciate in value as residence property, but will later be enhanced in value as industrial pro-

perty, as some very high types of factory buildings are planned for immediate erection.

Objection by the property owners of the Melrose Station Tract is based on many reasons, some of which lie outside the province of this Commission and should have been, and probably were, considered by the Oakland City Council at the time it passed its resolution granting permission for the construction of the spur. The Commission does not feel that this spur track will interfere seriously, if at all, with the operation of suburban electric trains through Melrose, as the Southern Pacific Company has, or can construct, ample facilities for handling this industrial traffic.

The Commission feels that the spur track should have been located close to the Western Pacific right of way, from 50th Avenue to Vine Street, but has been furnished with information which leads it to believe that it was impossible to obtain right of way for such location and that the right of way secured is the best that can be obtained at this time.

It is true that the existence of this spur track will increase the hazard to school children and others who will be forced to cross the track. However, the number of trains a day will be few, the speed slow, and all street crossings will have standard signs warning the public of danger. The only increase in hazard offered by this spur track is the additional care required on the part of the public in watching for cars on two tracks instead of one, as this same traffic would have to move over these same streets if the industries were served by the Western Pacific.

Protestants claim that the industries concerned could be better served by a spur track from the main line

of the Central Pacific, which would not cross any streets or avenues. Such a spur, however, would cross the main line of the Western Pacific Railroad Company, which would require the installation of an interlocking plant. The main objection to such a spur would be the necessity of switching by the Southern Pacific engines back and forth through this interlocker over the main line of the Western Pacific, on account of lack of room between the Western Pacific and the Federal Wool Manufacturing Company's plant.

The Commission feels that, while some residence property owners will suffer loss, due to the construction of this spur, and that the street crossings will create additional hazards, these matters must be weighed against the common good, the good of the public at large, and the growth of the City of Oakland. It is well known that the City has made many endeavors to bring in new industries. In this case, the Commission believes that the building of these industries, the growth of the city, etc., will more than compensate for any loss or hazard that might be caused by the construction of this spur. In the industrial growth and development of a city there always inevitably comes some period in a certain section or sections where individual residence property will suffer damage and this is unavoidable if a city is to expand industrially. It is hoped that the location of the spur can be improved or changed at some future time.

O R D E R

DIRECTOR GENERAL OF RAILROADS, SOUTHERN PACIFIC  
RAILROAD, having on December 27, 1919, applied to the

Commission for an order authorizing the construction of a spur track at grade across 47th, 48th, 49th, 50th, 52d, 53d Avenues and Vine Street, in the City of Oakland, County of Alameda, State of California, as hereinafter indicated; a public hearing having been held and the Commission being fully apprised in the premises and of the opinion that the application should be granted subject to certain conditions;

IT IS HEREBY ORDERED, That the DIRECTOR GENERAL OF RAILROADS, SOUTHERN PACIFIC RAILROAD, be and he is hereby authorized to construct a spur track at grade across 47th, 48th, 49th, 50th, 52d, 53d Avenues and Vine Street and in and along East 10th Street, in the City of Oakland, County of Alameda, State of California, as shown on the map attached to the application; said crossings to be constructed subject to the following conditions, and not otherwise:

(1) The entire expense of constructing the crossings shall be borne by the applicant, subject to such agreement as he may have with the industries to be served.

(2) The entire expense of maintaining the crossings in good and first-class condition, for the safe and convenient use of the public, shall be borne by the applicant.

(3) Said crossings shall be constructed of a width and type of construction to conform to those portions of the avenues and streets to be crossed now graded, with grades of approach not exceeding four (4) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(4) All trains shall cross the streets from 50th to 54th Avenues at a speed not exceeding twelve (12) miles per hour.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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.

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 17<sup>th</sup> day of January, 1920.

Edwin O. Edgerton

W. H. Loveland

Frank J. Denton

H. B. Brundage

Darius Martin

Commissioners.