

Decision No. 7801

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of )  
SOUTHERN PACIFIC COMPANY for an order )  
authorizing the construction of a drill )  
track at grade in Stanford Avenue )  
crossing Doyle and Beaudry Streets, in )  
the Town of Emeryville, County of )  
Alameda, State of California. )

Application No. 5761.

Frank B. Austin for Southern Pacific Company.  
J. E. Mee for the Mee Estate.  
Geo. Gelder for certain residents of Emeryville.  
W. E. Christie for Town of Emeryville.

MARTIN, Commissioner.

O P I N I O N

In this application, filed June 1, 1920, the Southern Pacific Company seeks permission to construct a drill track at grade in and along Stanford Avenue and across Doyle and Beaudry Streets in the Town of Emeryville, Alameda County. Resolution Number 657, passed by the Board of Trustees of Emeryville, grants permission for the construction of this track.

The Southern Pacific Company started to construct this spur track across the above mentioned streets and along Stanford Avenue without having first applied to the Commission for the necessary Order. Several property owners residing on Stanford Avenue between Beaudry Street and Vallejo Street, on 55th Street and on West Street filed a protest with the Commission on May 21 against the building of the spur track.

A public hearing was held at Emeryville on June 7, 1920, at which all of the interested parties were represented.

The spur track under consideration is one of several spur tracks designed to serve the new industrial section of Emeryville, which comprises about 75 or 80 acres lying approximately between Doyle and Harlan Streets on the east, the Southern Pacific right of way on the west, a line one hundred and ninety feet south of forty-fifth Street on the south and Shattuck Avenue on the north.

This tract known as the Mee Estate is now being improved, subdivided and sold to industrial concerns. Harlan, Hollis and Horton Streets are being laid out from north to south and Santa Fe Avenue and Forty-fifth Street are being laid out from east to west through the tract. These streets are being built to conform to the most modern types of construction. In addition some 2 miles of 6 inch mains, 15,000 feet of curb, and sewer system are being installed. Storm waters have been taken care of by draining the land into Temescal Creek.

Three drill tracks have been laid out through the tract from north to south 637 feet and 654 feet apart. Strips of land 43 feet in width are reserved along these drill tracks to serve as rights-of-way for the various industry spurs to be served by the drill tracks. The most easterly drill track will serve lots 1 and 8 inclusive and runs about midway between Harlan and Hollis Streets. The center drill track will serve lots 9 to 13 inclusive and runs midway between Hollis and Horton Streets. The third track runs below Horton Street and will serve lots 17, 18 and 19. At the present time the Sherwin Williams Company is located on Lot 18, the East Bay Chemical Company is on Lots 17 and 18, the Western Aluminum Company is located on Lot 12 and the Western Canning Company is on Lot 4. Two or three more industries have

definitely located on Lots 8 and 9 and 17.

It is desired to connect the two northerly drill tracks with a siding running parallel with the Southern Pacific suburban double track line to Berkeley. The northerly drill track will connect with this siding by an 18 degree curve to the west. The center drill track will connect with the siding by an 18 degree curve to the east. These two curves will cross in Stanford Avenue between Fifth and Sixth Streets. The Southern Pacific Company desires to extend the siding connecting with the drill tracks along Stanford Avenue, as a tail track to the city limits of Emeryville, where it will join the east-bound track of the suburban lines. This proposed tail track will cross Doyle and Beaudry Streets at grade. The Southern Pacific Company has a right-of-way 35 feet wide along the center of this section of Stanford Avenue which is 120 feet in width. The width of street between the curb line and the right-of-way line along the south side of Stanford Avenue between Doyle and Vallejo Streets is twenty-four and one-half feet. The proposed tail track will occupy a portion of this strip and will leave only about fifteen feet six inches to sixteen feet between the curb and the side of a car.

The property owners residing along the south side of Stanford Avenue between Doyle and Vallejo Streets protested the placing of an industrial spur track in such close proximity to their homes, claiming that the value of their property would be greatly depreciated and that the noise of the cars and switch engines would be intolerable, especially during early morning hours.

The testimony offered by applicants contends that no damage will be suffered by protestants on account of the location of this industrial spur, as the value of their property as prospective industrial property would be greater than its

value as residence property. Applicants stated that the business of this industrial section would increase rapidly and within a year they expect to handle an average of twenty cars per day from the industries located on the Mee tract. At the present time probably ten cars per day are handled. Applicants testified that it was impracticable to connect up the two northerly drill tracks with a curve, which would allow of all the switching being done within the industrial site as such a curve would be of such short radius or high degree that large switch engines and gondola cars would have great difficulty in negotiating it.

The engineering department of the Commission investigated the possibilities of installing a curve between these two drill tracks in order to keep as much of the switching off of the public streets as is possible. The department reports that it is feasible and practical to install an 18 degree or  $18^{\circ} 15'$  curve between these two tracks which could handle long trains of cars and the department therefore recommends that trains of not more than ten cars be handled on a tail track on Stanford Avenue, extending as far east as the east line of Doyle Street, with the point of switch twenty feet east of the east line of Doyle Street. Such a tail track would handle the existing traffic of this industrial track. An alternative plan would be to install a track parallel and about eighteen feet distant from the north line of the Mee property and connecting by a 15 degree curve to the west with the 18 degree curve from the center drill track through the Mee Estate, and also connecting with the siding along the south side of the suburban lines at a point near the east line of Sixth St.

It is acknowledged that good engineering practice in railroad track layouts seeks the construction of tracks with minimum curvature and grades. However, the curvatures of 15 degrees to  $18^{\circ} 30'$ , considered for this layout by the Commission's engineering department, while heavy, are not impractical nor in

excess of the curvature often installed by the large railroad systems for switching purposes and by some of the short line railroads for main line track. For instance at Clement Junction, Los Angeles, the Hammond Lumber Company, one of the largest lumber companies in Los Angeles, is served by two tracks connected by one hundred and eighty degrees of 17 degree 30 minute curve in a layout very similar to the one suggested for this industrial section in Emeryville. The old Los Angeles Market near 6th and Mill Streets, Los Angeles, was served by a track with 90 degrees of 20 degree curve and 90 degrees of 23 degree 36 minute curve joined by less than two hundred feet of tangent. A glance at the map of the Southern Pacific Company's yard tracks in San Francisco in the vicinity of Mariposa, Illinois, Sixth and Seventh Streets will show many 90 degree curves of twenty to twenty-two degrees curvature, some of which are reverse curves. Instances of heavy curvature on main line tracks are given in the 136 degrees of 18 degree curve on 2.56 percent grades of the Sierra Railway near Black Oak and the 235 degrees of 24 degree curve on the California Western Railroad and Navigation Company not far from Willits.

The presiding Commissioner believes that while the installation of the proposed tail track will not greatly increase the hazard of the crossings of Doyle and Beaudry Streets, it will increase the inconvenience and hazard of using that portion of Stanford Avenue between Doyle and Vallejo Street and will decrease the desirability of this property for residence purposes.

The growth of this industrial section of Emeryville requires proper railroad facilities. Those proposed by the Southern Pacific Company anticipate a considerable increase in this growth. The presiding Commissioner feels convinced that the track layout proposed by the Commission's Engineering Department is ample to care for all of the existing business of this section and to provide for considerable future growth.

Ultimately this entire portion of Emeryville will probably become an industrial section. If such is the case it may be necessary to install additional track facilities at that time. It is recommended that the suggestions of the Commission's Engineering Department be carried out. That portion of the application relating to a grade crossing at Doyle Street should be granted, but that portion covering the installation of the tail track in Stanford Avenue between Doyle and Vallejo Streets and the crossing of Beaudry Street should be denied. The switch of the tail track near the east line of Doyle Street should be connected with and operated from the Shellmound Tower and protected by proper signals. The Shell-mound tower is an electro-pneumatic tower. The tail track switch at Doyle Street will be about 1600 feet from the tower which is well within interlocking limits.

#### O R D E R

Southern Pacific Company having on June 1, 1920, applied to the Commission for permission to construct a drill or tail track in Stanford Avenue and at grade across Doyle and Beaudry Streets, as shown on the map attached to the application; a public hearing having been held and the Commission being fully apprised in the premises and of the opinion that the application should be denied in part and granted in part as hereinbefore indicated and subject to certain conditions,

IT IS HEREBY ORDERED, That the Southern Pacific Company be and it is hereby denied the authority to construct a drill track in Stanford Avenue between Beaudry & Vallejo Streets and across Beaudry Street.

IT IS FURTHER ORDERED, That that portion of the drill track already laid across Beaudry Street and in Stanford Avenue between Beaudry and Vallejo Streets shall be removed and the street restored to its former condition.

IT IS FURTHER ORDERED, That the Southern Pacific Company be and the same hereby is granted permission to install a drill track in Stanford Avenue and across Doyle Street and connecting with the east-bound track of the Suburban Electric lines in such manner that the point of switch of such track shall be distant not more than twenty feet east of the easterly line of Doyle Street, said track to be installed subject to the following conditions:

1. The switch into the eastbound track of the suburban electric lines shall be connected with and operated from the Shellmound Tower and shall be protected by proper signals, all to be installed at the expense of applicant.

2. The entire expense of constructing the crossing at Doyle Street shall be borne by the applicant.

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

4. Said crossing shall be constructed of a width and type of construction to conform to those portions of Doyle Street to be crossed as now graded, with grades of approach not exceeding four (4) percent; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

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.

