

Decision No. 8143

1911
 J. J. [unclear]
 [unclear]

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of City
 of Oakland, a municipal corporation, for
 permission to construct a grade crossing
 across the tracks of the Southern Pacific
 Company so as to connect the westerly
 terminus of Seventh Street, as the same
 now exists, with the easterly end of Sev-
 enth Street, as the same is now being con-
 structed.

Application No. 5950.

Leon E. Gray for City of Oakland,
 E. J. Foulds for Southern Pacific Company.

Martin, Commissioner.

O P I N I O N

In this application, filed on July 24, the City of Oakland
 seeks permission to construct Seventh Street westerly at grade across
 the four main line tracks of the Southern Pacific Company about three
 hundred feet northeast of the present private crossing of Southern
 Pacific Company's road leading to Oakland Pier. It is proposed to
 close the private crossing. The opening of the proposed crossing will
 also change the location and improve the existing crossing with the
 two side tracks leading from the pier into Cedar Street. As these two
 tracks are unimportant in comparison with the main line tracks, they
 need not be given further consideration here, as the decision in this
 application is determined by the conditions surrounding the main line
 crossing.

The City of Oakland is developing its property on the water-
 front north of Oakland Pier, and has already leased portions of this
 waterfront to the Albers Brothers Milling Company, the Parr McCormick

Company, and others. As a consideration under these leases and as a requisite to the proper opening up of these properties, it is necessary for the City to construct and pave Seventh Street from the Albers Brothers Mill near Oakland Pier easterly to the westerly terminus of Seventh Street near Bay Street. This street extension has already been constructed with the exception of the crossing applied for.

Ordinance No. 3264 of the City of Oakland, which was passed to allow of the elimination of "death curve", reserves to the City the right to extend Seventh Street across the tracks of the railroad company and provides that whenever the City Council may desire to construct a subway at this point, the railroad company shall pay one-half the cost. These ordinance reservations were embodied in an agreement entered into by the City and the railroad company on July 14, 1913, copy of which was submitted as Applicant's "Exhibit No. 2".

The Southern Pacific Company in the hearing urged the temporary opening of the crossing at grade as applied for, this being in pursuance of the agreement with the City of Oakland, and as affording better protection than the present private crossing maintained by the Southern Pacific Company. It desired, however, that the crossing be changed from a grade crossing to an overhead crossing in case travel materially increases in the future.

Estimates made by the City show that an overhead highway crossing at this point would cost much less to construct than a subway. The estimated cost of an overhead crossing was placed at \$200,000. The City testified that at present it had no way of raising money to pay its share of the cost of this structure and was in fact forced to forego the construction of some very necessary sewers, and other improvements on account of lack of funds.

In view of the fact that it is absolutely necessary for a connection to be made between the newly constructed extension of Seventh Street and Seventh Street, and taking into consideration that the proposed crossing will cross the tracks at more nearly a right angle than the existing private crossing and will therefore be one hundred and seven (107) feet shorter in distance across the tracks, and also that traffic will be merely moved from one crossing to another, and taking further consideration of the fact that City of Oakland has no money available at this time for the construction of a grade separation, the presiding Commissioner feels that this application should be granted and that a grade crossing should be installed temporarily until such time as traffic conditions warrant and financial conditions allow of the installation of a grade separation.

Both the applicant and the railroad company agree that the crossing should be protected by gates but each feels that the other should stand the expense of moving the gates from the nearby crossing. Considering that the City is to benefit in its waterfront development from the installation of this crossing and the fact that the applicant generally pays for the installation of protection; and also considering the fact that the railroad company is obtaining a better crossing and the release of the land for track purposes now occupied by its private road, and also that the company will no longer have to stand the expense of maintaining this road, it seems equitable if both parties share equally in the expense of installing protection, and it will be so ordered. For the further warning of traffic an automatic flagman should be installed in addition to the gates, particularly for the benefit of night travel.

O R D E R

City of Oakland having on July 24, 1920 filed with the Commission an application for permission to construct Seventh Street at grade across the tracks of the Southern Pacific Company at West Oakland 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, as hereinafter specified,

IT IS HEREBY ORDERED, That the City of Oakland be and the same is hereby granted permission to construct Seventh Street at grade across the tracks of the Southern Pacific Company at West Oakland as shown on the map filed with the application; said crossing to be constructed subject to the following conditions:

(1) The entire expense of constructing the crossing shall be paid by the Southern Pacific Company as specified in Ordinance No. 3264 of the City of Oakland, copy of which was received in evidence as Applicant's "Exhibit No. 1".

(2) Crossing shall be constructed of a width of thirty (30) feet and of a type of construction satisfactory to the City Engineer of the City of Oakland.

(3) Said crossing shall be protected by crossing gates to be moved from the nearby private crossing and also by an automatic flagman. The expense of installing these devices shall be borne equally by the City of Oakland and the Southern Pacific Company.

(4) The existing private crossing about three hundred (300) feet southwest of the proposed crossing shall be closed to travel.

(5) This order shall remain in force until such time as this Commission feels that traffic conditions warrant a separation of grades at this point.

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

Dated at San Francisco, California, this 24th day
of September, 1920.

Edwin O. Edgerton

H. D. Loveland

Frank R. Miller

Dwight Martin
Commissioners.