

1920, Southern Pacific Company drew attention to the probability of the installation of a new automobile ferry - Six-Minute Ferry Company - between San Francisco and Oakland with one terminus at the westerly end of Seventh Street and asked that in view of the probability of large automobile traffic that the matter be reopened and an order issued prescribing the separation of grades at the point in question. It stated further that it believed this should be done before any expenditures were made incident to the installation of pavement of a permanent type or the installation of protective devices at the proposed grade crossing.

The City of Oakland, by letter dated January 13, 1921, also asked for rehearing on the same grounds as those of the Southern Pacific Company. The City asked further that the County of Alameda be made a party to the proceedings. The Commission thereupon gave notice of hearing on the question of rescission, alteration or amendment of prior order and a public hearing was held before Examiner Handford at Oakland on February 23, 1921.

At this hearing the Southern Pacific Company asked that in view of the uncertainty of the commencement of operation by the Six-Minute Ferry Company the original order be allowed to stand until the plans for increasing the vehicular traffic on Seventh Street were proximate as to warrant the immediate expenditure for a separation of grades, the time as to when the grades should be separated to be left to the Commission. It was stated further that some five months had elapsed since the Six-Minute Ferry Company had announced its intention of installing an automobile ferry to San Francisco and had contracted with the City of Oakland for the location of its ferry slips on the City's property. With minor exceptions the City of Oakland agreed.

Various estimates were introduced as to the cost of grade separation. The Southern Pacific Company favored an overhead crossing with a clear span across the four tracks located along the

line of Seventh Street produced straight westerly, this point of crossing being about two hundred feet to the north of the proposed grade crossing. A one-span pony truss steel bridge over the tracks and a timber approach at each end the railroad engineers estimated would cost \$125,000. The following tabulation shows the estimated cost by the Southern Pacific Company of various structures across the existing four tracks only and located in Seventh Street as it now exists.

ESTIMATED COSTS OF VARIOUS TYPES
OF OVERHEAD STRUCTURES

(All in Seventh Street and over existing four tracks)

<u>Type of Crossing over Tracks</u>	<u>Type of Approach</u>		<u>Estimated Cost</u>
	<u>West</u>	<u>East</u>	
(1) 1-230 ft. thru steel span	Concrete	Concrete	\$ 316 660
(2) " "	Concrete	Timber	240 710
(3) " "	Timber	Timber	164 760
(4) Pony Truss Steel spans (1-108 ft. and 1-126 ft.)	Concrete	Concrete	\$ 310 300
(5) " "	Concrete	Timber	234 350
(6) " "	Timber	Timber	158 400

The City engineer of Oakland testified that he favored a subway and was opposed to any kind of an overhead structure. He is, however, agreed that overhead structures would cost approximately as estimated in the above tabulation.

A subway in Seventh Street was estimated by Southern Pacific engineers to cost from \$420,000 to \$955,000, the former figure covering a short subway under the existing four tracks and the latter a longer subway under the existing four tracks and also the present Cedar Street tracks when relocated to a point about five hundred feet east of the proposed grade crossing.

The City of Oakland in its Exhibit No. 4 also submitted plans and estimates, all on the line of Seventh Street as it now exists.

A timber overhead crossing was estimated to cost \$37,000.

a steel overhead crossing \$255,000 and a subway \$315,000, the subway being under the four existing tracks only. Estimates were also submitted for the extension of the present elevated tracks of the electric line, \$240,000 being estimated for timber construction and \$830,000 for steel construction. Such extensions do not, however, fit into an ultimate plan and are not now favored by any of the interested parties.

The City of Oakland's plan and estimate for a subway as stated were based on a twenty-four foot roadway, with a six foot sidewalk outside of the main barrel. The estimate for a subway with a forty foot roadway (thirty foot clear roadway and two five foot sidewalks inside) was \$420,000, practically the same as the Southern Pacific engineer's estimate.

Our engineering department reports that it has, since, and even before, the rehearing called informal conferences of engineers representing the City, the Southern Pacific Company and the Commission in an attempt to arrive at plans and estimates agreeable to these interested parties. The result has been an agreement as to the principal dimensions and general design of a suitable subway located in Seventh Street as it now exists; that is, -in the 80 foot strip owned by the City of Oakland. It is agreed that the subway should have 4% approach grades and a 30 foot clear roadway with one six foot sidewalk built outside the main subway and lighted through openings in the side walls. Such a structure has been estimated to cost, with two five foot sidewalks inside, if built of plain concrete, \$465,000 and if built of reinforced concrete, with one sidewalk outside, \$400,000. The City favors the reinforced concrete type of construction while the railroad favors the plain concrete, the latter agreeing, however, that if built of reinforced concrete the cost would be approximately \$420,000. The estimates for the overcrossing as shown in the tabulation, supra, were also made on the agreed basis of a thirty foot roadway, but with 5% grades for the timber approaches.

These figures are introduced to indicate the magnitude and expense of grade separation and as a reason for the construction of a grade crossing to be used until the traffic warrants separation of grades.

The representative of the Six-Minute Ferry Company stated that since its lease from the City of Oakland was obtained last September it had been working on the designs of their boats and the plans and specifications were due on the day of the hearing, that it expected to have its plans adopted by its Board of Directors the following week and it would then submit the plans and specifications for bids, that it is preparing and has prepared to proceed to award its contracts as soon as the bids were received. It was also stated that the present delay was in the plans for the construction of the ferry slip on Oakland water front due to arrangement of details between its engineer and the harbor engineer of Oakland. The record shows that in the matter of finance the Ferry Company's representative stated that it had been taken care of and while the Six-Minute Ferry Company was selling stock the ferry would be put in if it never sold another share, some \$933,000 worth having been sold. It also shows that Six-Minute Ferry Company offered to contribute \$500 toward the expense of installing the grade crossing.

Evidence points to the fact that the grade separation can be made in about the same time as the ferry slips and the boats can be constructed and it seems reasonable then to conclude that there is no necessity for a commencement of separating the grades of Seventh Street on the Southern Pacific tracks until the construction of the Six-Minute Ferry Company's boats and slips are actually started. It must be taken into consideration, however, that this conclusion is predicated upon the present relatively light vehicular traffic on Seventh Street.

Because of the expense and since both the applicant and the railroad are agreed that the crossing at grade should be installed until traffic conditions warrant the separation of grades,

we are of the opinion that this is the proper solution at this time.

The original order provided that the crossing should 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 to be borne equally by the City of Oakland and the Southern Pacific Company.

The installation of an automatic flagman at this location would, we believe, on account of the four tracks and very heavy railroad traffic, introduce a possibility of confusion to vehicular traffic. Also, because of the now more probable temporary nature of this grade crossing we are of the opinion that that part of the original order which directed the installation of an automatic flagman should be changed to provide in lieu of the automatic flagman, for continuous operation of the gates throughout the twenty-four hours, if traffic conditions warrant it.

The Board of Supervisors of Alameda County protested against the inclusion of the County of Alameda as a party to be charged with part of the cost of any grade separation, should one be ordered. The City of Oakland, which had suggested this, argued that the County should be included, supporting its contention by stating that the installation of an automobile ferry giving more frequent and more rapid service would be of material benefit to Alameda County and that as a beneficiary the County should bear a part of the expense. It was also pointed out that Seventh Street would become a connection between the main county highway and San Francisco.

On the part of the County, it was argued that the County could not levy any tax upon the City, the moneys from which is generally used for road purposes; that the county government had no control over municipal thoroughfares and could not appropriate money for roads over which it had no control and that as a matter of fair dealing between the County and the City, abstract fairness

should dictate that the Commission should assess no part of the cost of this grade separation upon the county government because the County had been liberal in appropriations for grade crossing elimination.

The representative of the county of Alameda also stated that if it were made a party to these proceedings the County of Contra Costa should also be made a party, and continuing this argument, all of the cities in the neighborhood of Oakland should be made parties.

Aside from the legal questions involved, that is, of the power of the County to collect taxes and appropriate tax money for road improvement on roads without the control of the County, we must recognize that the County of Alameda has been liberal and active in the elimination of grade crossings at dangerous points in the outlying portions of the County. The question of further participation by Alameda County in these proceedings need not, however, be decided at this time.

SUPPLEMENTAL ORDER

A public hearing having been held on the question of rescission, alteration or amendment of prior order and the Commission being fully apprised in the premises and of the opinion that certain amendment should be made in this prior order,

IT IS HEREBY ORDERED, that Decision No. 8143 be, and the same is hereby altered as follows, but not otherwise:

On page 4, Condition No. 3, the words "and also by an automatic flagman" be and the same ^{are}/hereby stricken out.

The foregoing supplemental opinion and order are hereby ordered filed as the supplemental opinion and order of the Railroad Commission of the State of California.

May
~~May~~ Dated at San Francisco, California, this 24 day of May, 1921.

H. J. Loveland

H. B. ...

... ..

Wesley H. ...

Commissioners.