

Decision No. 32388

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CITY OF OAKLAND, a municipal)
corporation,)
Complainant,)
vs.)
THE WESTERN PACIFIC RAILROAD)
COMPANY, a corporation,)
Defendant.)

Case No. 4406

ORIGINAL

F. B. Fernhoff, City Attorney, and John W. Collier,
Assistant City Attorney, for Complainant.

L. N. Bradshaw, for The Western Pacific Railroad Company.

BY THE COMMISSION:

O P I N I O N

In this proceeding the City of Oakland asks that the Commission require The Western Pacific Railroad Company to install and maintain all equipment necessary to connect its tracks with traffic signals proposed to be installed by the City at the intersection of East 12th Street and 29th Avenue, Oakland, Alameda County.

Public hearings were held in this matter before Examiner Hall in Oakland on May 26th and June 17th, 1939, and on the latter date the matter was submitted for determination.

In the vicinity of 29th Avenue, Oakland, The Western Pacific Railroad Company's main line tracks run approximately parallel to East 12th Street, and the center line of the main tracks at 29th Avenue is about 100 feet south of the south line of East 12th Street. About 200 feet south of The Western Pacific Railroad Company's tracks and parallel thereto is located the Niles line tracks of Southern Pacific Company and the tracks of Interurban

Electric Railway Company.

The grade crossing of The Western Pacific Railroad Company's main line over 29th Avenue is protected by two rotating stop flashlight signals (Standard No. 5 of G. O. 75-B). The intersection of East 12th Street and 29th Avenue is protected by boulevard stop signs facing 29th Avenue traffic.

The City of Oakland proposes to install traffic signals at the intersection of the above-named streets. On account of the closeness of the railroad tracks to East 12th Street the City asks that these signals be connected with the track circuits of the railroad so that a train will take control of the signals when approaching and crossing over 29th Avenue, and that 29th Avenue be closed to traffic.

On account of the large volume of vehicular traffic moving on East 12th Street and 29th Avenue, traffic signals are necessary to regulate the flow of traffic. If the signals were installed independent of the railroad, northbound 29th Avenue traffic would, when the signals were set against it, back up and stand on the railroad tracks. A train approaching at such a time would have to come to a **STOP OR RUN** into a vehicle on the track. Although automatic flashlight signals would be operating the vehicle would not have an opportunity to clear the track.

In addition to the usual signals at the four corners of the intersection of East 12th Street and 29th Avenue, the City proposes to install a traffic signal just south of the railroad company's track facing northbound vehicular traffic. Furthermore, it is proposed to install a one-light (red) signal just south of Southern Pacific Company's tracks, facing northbound 29th Avenue traffic.

The crossing signals protecting the crossing of 29th Avenue are controlled by circuits about 1000 feet in length in each direction from the crossing. These track circuits control only

movements over the main line track. In addition two other tracks cross over 29th Avenue, i.e., Montgomery Ward's spur and an industrial siding. Under the present arrangement whenever a train or engine crosses 29th Avenue on one of these tracks, the train must stop and a trainman must go to the crossing and start the signals by push button control. When the train has passed over the crossing the signals automatically stop.

On account of the length of the present circuits it would be necessary to install directional track circuits because of the fact that a train doing switching in the vicinity would stop within the circuit and hold the signals against 29th Avenue traffic until it moved either out of the circuit or over the crossing.

It was concluded, however, that the circuits could be shortened to about 600 feet and still give about 20 seconds advance warning, thereby placing the starting points of the circuit out of range of the normal standing point of trains stopping to switch, and also place the signal starters at a location between the crossing and the switches leading to the industrial track. Under this arrangement a train passing along the main track would start the crossing signals and take control of the traffic signals, closing 29th Avenue to traffic. Likewise when a train was about to cross over 29th Avenue on either of the auxiliary tracks, a trainman would set both crossing signals and traffic signals against 29th Avenue traffic by push button control. If no train is in the circuit and signals are clear for East 12th Street and set against 29th Avenue traffic, the signal south of Western Pacific tracks would show red, as well as the signals facing 29th Avenue at the intersection. The signal south of Southern Pacific Company's tracks would not illuminate.

In the event a train enters the circuit all signals on 29th Avenue would go to stop position, including the single light signal south of the Southern Pacific tracks. This latter signal is for the purpose of holding northbound vehicular traffic from being blocked on Southern Pacific tracks.

It was agreed among the parties that the plan presented by the City should be installed and that the short control circuits would amply protect the crossing.

In order to provide more room for vehicles between East 12th Street and Southern Pacific tracks, all parking on both sides of 29th Avenue between these two points should be prohibited, and stripes painted on the pavement to provide for four lanes of traffic. This would allow vehicles to double up between the railroads and between the Western Pacific and East 12th Street, thus reducing to a minimum the probability of vehicles being stopped on the tracks when signals are set against 29th Avenue traffic.

It was suggested that the signal at the northeast corner of 29th Avenue and East 12th Street be delayed a short period after the signal south of Western Pacific tracks goes to "stop" with the approach of a train so that the area of 29th Avenue between Western Pacific tracks and East 12th Street be partially cleared of northbound vehicles. In that event a northbound vehicle, upon approaching the track, might have conflicting signals, one at red and the other at green, thereby possibly creating a hazardous condition. It appears that before such an arrangement is permanently placed in effect some voluntary experimentation should be conducted to ascertain the effect of such a signal arrangement on vehicle drivers.

The City of Oakland agreed that it was its obligation to install and maintain the traffic signals, including those south of the Western Pacific track and south of the Southern Pacific track. The City contended, however, that the connecting or synchronizing of these signals with the Western Pacific tracks and maintenance thereafter should be borne by the railroad; whereas the railroad contended that the City should bear the cost of installation and that certain portions should be maintained by the City and certain

portions maintained by the railroad.

It is clear from the record that the crossing of 29th Avenue by the Western Pacific has only recently been equipped with new rotating stop banner flashlight signals and that if the crossing of East 12th Street is removed, these signals would be adequate to protect the crossing. Under present conditions it appears that the crossing is reasonably well protected.

The installation of traffic signals is occasioned by the heavy flow of traffic through the intersection of East 12th Street and 29th Avenue. The regulation of this traffic, if placed in effect independent of the railroad, would create a hazard at the crossing, therefore the obligation rests with the City to install the connection of these signals with the railroad, and with the railroad to thereafter maintain these connections.

FINDINGS

Based on the evidence introduced in this proceeding, the Commission makes the following findings of fact:

1. That the density of vehicular traffic at the intersection of East 12th Street and 29th Avenue requires the installation of traffic signals.
2. That public hazard requires that an additional standard traffic signal be installed south of The Western Pacific Railroad Company's track on the east side of 29th Avenue, and that a one-light (red) signal be installed south of Southern Pacific Company's tracks on the east side of 29th Avenue.
3. That said traffic signals be connected with and operated in synchronism with the grade crossing warning signals at the crossing of Western Pacific tracks over 29th Avenue.

4. That the circuits controlling the signals for train movements on the main line track of The Western Pacific Railroad Company be shortened to about 600 feet on each side of crossing.

5. That the parking of all vehicles be prohibited on both sides of 29th Avenue between East 12th Street and Southern Pacific Company's tracks.

6. That traffic lanes be painted on 29th Avenue between East 12th Street and Southern Pacific Company's tracks so as to provide for four lanes of traffic between these points.

7. That the cost of installation and maintenance of said protective devices be borne as follows:

a. Traffic Signals - Installed and maintained by the Complainant, City of Oakland.

b. Installation of synchronization and connecting of traffic signals with track circuits of railroad - by the City of Oakland.

Maintenance thereafter of synchronized and connecting circuits - by The Western Pacific Railroad Co.

c. Painting and maintenance of traffic stripes on 29th Avenue - by the City of Oakland.

d. Any track work necessary for the installation of signals or circuits - by The Western Pacific Railroad Company.

O R D E R

Public hearings having been held in the above-entitled proceeding and based upon the evidence received at the hearings and upon the conclusions and findings set forth in the preceding Opinion,

IT IS HEREBY ORDERED that the City of Oakland and The Western Pacific Railroad Company are hereby authorized to install traffic signals interconnected and synchronized with the tracks of The Western Pacific Railroad Company at East 12th Street and 29th

Avenue, in accordance with the provisions set forth in the foregoing findings.

The City of Oakland shall, within thirty (30) days after installation of the signals authorized herein, notify this Commission, in writing.

This Order shall become effective twenty (20) days from the date hereof.

Dated at Los Angeles, California, this 26th day of September, 1959.

[Signature]

[Signature]

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Commissioners