

Decision No. 33896**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN)
 PACIFIC COMPANY for an order abolishing)
 certain existing crossings at grade over the)
 tracks and properties of applicant at the)
 foot of Buchanan Street, Albany, California.)

Application
 No. 23804

In the Matter of the Application of the City)
 of Albany by the City Council of said City)
 for an Order authorizing the widening, alter-)
 ing, improving, and partial re-location of an)
 existing crossing of a public road, highway)
 and street over the tracks of the Southern)
 Pacific Company, connecting two existing)
 portions of Buchanan Street, in the City of)
 Albany, California.)

Application
 No. 23991

E. J. FOULDS and E. C. CROCKER, for Southern
 Pacific Company

JOSEPH J. Y. YOUNG, City Attorney, H. C. DYGART,
 City Engineer, and W. R. McGEORGE, Council-
 man, for the City of Albany

MORSE ERSKINE and E. P. MADIGAN, for the Golden Gate
 Turf Club.

LOUIS J. HARDIE, for Albany Chamber of Commerce

BERNARD ABROTT, for Lewis & McDermott

E. G. POSS and F. M. REYNOLDS, for Division of Highways

DOUGLAS MOORE, for the office of Keyes & Erskine, for
 the Golden Gate Turf Club, but not for the
 Receiver.

BY THE COMMISSION:

INTERIM OPINION

Authority is sought in the above-numbered applications:

(1) by Southern Pacific Company, in Application No. 23804, to abandon the crossings at grade of Buchanan Street over its main line and side tracks; and (2) by the City of Albany to have the same crossings altered, widened, and improved, Application No. 23991.

Public hearings were held before Examiner Hall in Applica-

tion No. 23804 on December 26, 1940, and February 10, 1941, and on both Application No. 23804 and Application No. 23991 on February 17th, 18th and 25th, 1941. At the February 17th hearing it was stipulated that all the evidence developed at the hearings in Application No. 23804 be made a part of the record in Application No. 23991, and thereafter that the two proceedings be consolidated for hearing and determination.

Southern Pacific Company's main line Ogden route traverses through the City of Albany in a general northerly and southerly direction. At the point of crossing Buchanan Street the trackage involved has two main line tracks, two secondary main line tracks, and one spur track. In addition, these proceedings involve either the closing or the improvement of Buchanan Street over an industrial track of Southern Pacific Company known as the Second Street extension, located about 400 feet west of the main line crossing.

It was the purpose of applicant City of Albany to widen and improve these crossings in order that traffic from the city might reach the city's property on the bay front, the Golden Gate Turf Club, and make a connection with the East Shore Highway (a state route traversing along the shores of the San Francisco Bay between Oakland and Richmond).

Since the beginning of these proceedings the Golden Gate Turf Club has temporarily ceased operations and the date of its re-opening is questionable.

Evidence was received with respect to the protection and use of the crossing, but applicant City of Albany requested that further time be granted it to ascertain if it desired to present further testimony. This request was granted and it was stipulated that if the Commission did not hear further from the City of Albany by March 15, 1941, the matters would be submitted for final determination.

During the course of these proceedings, in accordance with a stipulation, the crossing of the main tracks of Southern Pacific Company at Buchanan Street has been protected by uniformed officers. Due to the fact, however, that the race track of the Golden Gate Turf Club is not now in operation, the City of Albany contended that these officers were no longer necessary and, pending a final determination in these matters, it was agreed that in lieu of the uniformed officers barricades be placed along the roads over private property connecting Buchanan Street with the East Shore Highway so that the only traffic which could use the crossing would be that going to and from the city's property which is used as a garbage disposal area. Furthermore, it was agreed that a sign or signs be placed at the east side of the Buchanan Street crossing advising the public that the street to the west of the tracks is not a through street. The City of Albany agreed that it would erect the temporary barricades and the sign in order to keep general road traffic off the crossing. By so doing it appears reasonable that the uniformed officers need not continue to protect the crossing as the volume of traffic which could use it would be relatively small. It further appears that pending final determination of these matters the parties should be authorized to leave these crossings open for travel, provided barricades are constructed which will prevent the use of these crossings by the general public, and it will be so ordered.

INTERIM ORDER

IT IS HEREBY ORDERED that the crossing of Buchanan Street at grade with the main line tracks and the Second Street extension track shall remain open to public use and travel pending final determination of these matters, and that the uniformed officers may be removed therefrom, subject, however, to the following conditions:

- (1) The City of Albany shall effectively barricade the roadways between Buchanan Street and the East Shore Highway, immediately, to prevent through vehicles from operating over the Buchanan Street crossing.
- (2) The City of Albany shall place a sign at the east side of the main line tracks at Buchanan Street notifying the public that the street is not a through artery and reaches city property only.
- (3) Southern Pacific Company shall temporarily improve the paving of the crossings between lines two feet outside of the outside rails.
- (4) The City of Albany shall temporarily improve the paving of the approaches to said crossings outside of lines two feet outside of the outside rails.
- (5) The Commission reserves the right to make such further orders relative to the location, construction, operation, and protection of said crossings, as to it may seem right and proper, if in its judgment public convenience and necessity demand such action.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 4th day
of March, 1941.

[Signature]
[Signature]
[Signature]
Justin J. Casner
Frank C. Havenue
Commissioners