

Decision No. 134778

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN)
 PACIFIC COMPANY for an order abolishing cer-)
 tain existing crossings at grade over the) Application
 tracks and properties of applicant at the) No. 23804
 foot of Buchanan Street, Albany, California.)

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) Application
 existing crossing of a public road, highway) No. 23991
 and street over the tracks of the Southern)
 Pacific Company, connecting two existing)
 portions of Buchanan Street, in the City of)
 Albany, California.)

ORIGINAL

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, Councilman, 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. FOSS 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:

O P I N I O N

Authority is sought in the above-numbered applications:

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

Public hearings were held in Application No. 23804 on
 December 26, 1940 and February 10, 1941, and in Application No.

23991 on February 17, 1941, at which latter date it was stipulated that all evidence developed at the hearings in Application No. 23804 be made a part of the record in Application No. 23991. It was further stipulated that the two proceedings be consolidated for hearing and determination, and further hearings were held on the two applications on February 18th and 25th, 1941. On the latter date the matters were submitted.

Southern Pacific Company's main line Ogden route traverses 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 known as the Second Street extension, located 400 feet west of the main line crossing.

Within the limits of the City of Albany there are now two crossings over Southern Pacific Company's tracks, viz., the crossing herein involved (Buchanan Street), and a grade separation of the State Highway, known as the East Shore Highway, which carries over the main line tracks on a viaduct about 700 feet north of the Buchanan Street crossing.

Buchanan Street is a relatively short street in the City of Albany, running in an easterly and westerly direction between San Pablo Avenue and the crossing, and it has an extension to the west of the railroad to property owned by the City and used as a refuse disposal site on the edge of San Francisco Bay.

Buchanan Street crossing was constructed to accommodate but one lane of traffic and, until the last year, has been used only by vehicles reaching the disposal area. In recent months, however, there has been constructed in the City of Albany, to the west of the Buchanan Street crossing and the East Shore Highway, the

race track and facilities of the Golden Gate Turf Club, and a considerable volume of traffic uses the Buchanan Street crossing. Roadways in the vicinity of the race track have been graded and paved in order that traffic to and from San Francisco may leave or enter the East Shore Highway without making a left-hand turn across the current of traffic, and since these improvements are connected with the Buchanan Street extension, vehicles from Albany or points east of the track find it convenient to use the Buchanan Street crossing not only going to the garbage dump but also to the race track and to the East Shore Highway.

Southern Pacific Company contends that due to the presence of the East Shore Highway, with its grade separation, the Buchanan Street crossing is no longer necessary and that all people bound from Albany to points south and to the race track can be accommodated by this separation, which connects with the street system of Albany at Arthur Street and Calhoun Street, all of which is shown by the map, Exhibit No. 1. Southern Pacific Company offered to withdraw its application provided the City of Albany stipulated that all the roadways built by the race track company be separated from the Buchanan Street extension by barriers so that the only use made of the Buchanan Street crossing would be by persons going to and from the garbage disposal area; however, no agreement could be reached on this point.

The City of Albany, through its Chief of Police, signified that the Buchanan Street crossing is absolutely necessary for vehicular travel, not only to the garbage area but for the use of its citizens and others reaching the East Shore Highway in going to and from San Francisco and other points south. The Chief of Police contended that the means of ingress and egress to the East Shore Highway via Arthur and Calhoun Streets was extremely unsatisfactory and hazardous. He was emphatic in his testimony that automobiles

from Albany going to the East Shore Highway via Arthur Street would have to make a boulevard stop on quite a grade and then work their way into high speed traffic at practically a right angle. Conversely, traffic from the East Shore Highway bound for Albany would have to make a right-hand turn at Calhoun and Pierce Streets to reach the city. Pierce Street, he contended, was a narrow street and when vehicles are parked on both sides there is only room left for one lane of traffic. It was his opinion that the hazards accruing at Arthur and Calhoun Streets with the East Shore Highway would be far greater than those arising through the use of the Buchanan Street crossing. He was convinced that if the Buchanan Street crossing were widened, improved, and supplied with satisfactory protection the hazard would be minimized.

The record shows that the paved area between Buchanan Street extension and the East Shore Highway is on private property, and the owners or lessees of this property, if they desired, could fence off this area so that the crossing and Buchanan Street extension would be used only to reach the garbage disposal area.

It appears, however, that the City of Albany is intending to make arrangements with the owners or lessees of the property between the Buchanan Street extension and the East Shore Highway now paved for a dedication of that property to public use and travel.

The Division of Highways made a traffic count on racing days and found that even with Buchanan Street crossing in its present condition about 28 per cent of the automobiles carrying patrons to the Turf Club used this crossing, and the Division's engineer estimated that in the event the crossing is improved, it would be reasonable to believe that around one-third of the total vehicles to and from the Turf Club would use this crossing. This is due to the fact that the Buchanan Street crossing is the first point of entry to the track for patrons coming from the north.

A representative of the California Highway Commission testified that the Highway Department did not look with favor on connecting Buchanan Street with the State Highway for nominal local traffic, but stated, on the other hand, that it was absolutely necessary to relieve congestion on the East Shore Highway on racing days. If this crossing were used, it would become necessary to establish substantial portable barriers between Buchanan Street extension and the race track area at all times, except when the racing season is on.

It appears to us that if the Buchanan Street crossing is to be left open, it should be improved and protected to provide for any traffic that might use it.

The record shows that to prepare the track and install the crossing would cost \$6,390 (Exhibit No. 8) as follows:

	<u>Prepare Tracks</u>	<u>Install Crossing</u>	<u>Total</u>
Main Line Crossing	\$2,705	\$2,645	\$5,350
Second Street Drill	500	540	1,040
	<u>\$3,205</u>	<u>\$3,185</u>	<u>\$6,390</u>

Estimates were also presented showing the cost of installing signal devices to protect the traffic using this crossing. Three types of protection were considered, viz.,

1. Flashlight Signal (Standard No. 8, G. O. 75-B).
2. Flashlight Signal with Rotating Stop Banner (Standard No. 5, G. O. 75-B).
3. Automatic Gates.

There were also considered three methods of installing the circuits

for these signals. (1)

A review of the entire record in this proceeding leads us to the conclusion: (1) that the only way to reach the garbage disposal area of the City of Albany is via the Buchanan Street crossing; (2) that the Buchanan Street crossing is necessary to relieve traffic congestion on the East Shore Highway on racing days; and (3) that this crossing will provide a more direct access to the East Shore Highway from Albany than via the present route at Arthur and Calhoun Streets. If the Buchanan Street crossing is to be used only for ingress to and egress from the garbage disposal area, a smoothing over of the existing pavement would be sufficient; however, if the race track traffic is to continue to use this crossing it must be widened and improved, as the record shows that at the close of a day's racing, vehicular traffic is badly congested due to the fact that only a single lane of vehicles can cross the railroad at a time. Even if the race track was not in existence and the

(1)	<u>Scheme 1</u>	<u>Scheme 2</u>	<u>Scheme 3</u>
A. Standard No. 8, G.O. 75-B, Flashing Light Signals with Second Train indicators and additional Flashing Light Unit	\$5,895	\$6,744	\$7,956
B. Standard No. 5, G.O. 75-B, Flashing Light Signals with Rotating Banner, Second Train indicators, and additional Flashing Light Unit	6,759	7,596	9,070
C. Automatic Gates and Flashing Lights	6,335	7,204	8,668

crossing used by people generally to reach the East Shore Highway, it should be widened and improved. In the two instances which dictate the widening and improving of the crossing, it is also necessary that it be properly protected. Two forms of protection were recommended, viz., the flashlight signal with rotating stop banner (Standard No. 5 of G. O. 75-B), and the automatic short arm gate. In either event it was testified that a traffic officer would be necessary to direct traffic along Buchanan Street extension when the crowds are moving to and from the race track. At all other times the automatic protection should be ample. The cost of either of these types of protection is estimated to be about the same. The question now before us is which type is preferable.

We have at this location two high speed main line tracks, a third track used as a secondary main over which there is operation in both directions, and a second secondary main track which is now being used for storage of freight cars. If railroad business requires, however, it is to be expected that this track will also be used for through movement of freight trains. The maximum allowable speed of trains on main lines is 80 miles per hour for streamline trains and 65 miles per hour for other passenger trains.

The records of this Commission clearly show that a smaller percentage of accidents occur at multiple track crossings protected by gates than at those protected by flashing light or wigwag signals.

We are convinced that if this crossing is widened and improved, and is used by all classes of traffic, the short arm automatic gate with control circuits, identified as Scheme 3 in Exhibit No. 9, would be most effectual.

Although there is in place at the present time in the State of California only one automatic crossing gate (Churchhill Avenue, Palo Alto), Exhibit No. 10 shows the experience of automatic gates on various railroads in the east. This experience indicates

that automatic gates have been most satisfactory on multiple track crossings, and the breakage of gate arms has been only nominal.

We are now faced with the problem of allocating the cost of improving the crossing and its protection. The preparation of the tracks of the railroad to receive the pavement is largely a betterment of the track system in order that the crossing need not be disturbed for track repairs for a considerable length of time. If, on the other hand, the track is not put into shape at the time the crossing is built, it will not be long until tie and ballast renewals have to be made, therefore at least one-half of the track betterment will be of benefit to the railroad. If the crossing is not improved and widened, the present pavement is in such condition that it will require rebuilding, and therefore (the present paved area being about one-third of the total paved), one-third of the paving should be chargeable to the railroad and the remainder to the city.

With respect to crossing protection, it is our opinion that this should all be chargeable to the City of Albany inasmuch as the crossing will now serve both the race track and traffic to the East Shore Highway instead of just the garbage area as originally intended.

It is Hereby Found as a Fact: (1) that the Buchanan Street crossing with the Main Line tracks of Southern Pacific Company (Crossing No. A-10.9) be widened and improved, substantially in accordance with the plan shown in Exhibit "C" in Application No. 23991, subject to the conditions set forth in the following order; (2) that said crossing be protected by short arm crossing gates with flashing light signals; and (3) that a crossing of said Buchanan Street with the Second Street drill track of Southern Pacific Company be constructed.

O R D E R

Public hearings having been held on the above-entitled applications and the matters submitted and ready for decision

IT IS HEREBY ORDERED:

I. That the City of Albany is hereby authorized to widen and improve the crossing of Buchanan Street with the main line tracks of Southern Pacific Company (Crossing No. A-10.9), and with a side track of said company located approximately 400 feet west of the main line, in accordance with the plan attached to Application No. 23991 and identified as Exhibit "C." The latter crossing shall be identified as No. A-11.0-C. Said crossings shall be constructed substantially in accordance with Standard No. 3 of General Order No. 72, excepting that the concrete headers recommended in said standard may be omitted.

The cost of preparing the tracks preparatory to the installation of the crossings shall be borne one-half by applicant and one-half by Southern Pacific Company. Two-thirds of the cost of paving the crossings shall be borne by the City of Albany and one-third by Southern Pacific Company.

Crossing No. A-10.9 shall be protected by two Standard No. 8 flashing light signals equipped with gate arms and controlled by circuits as shown in Scheme 3 of Exhibit No. 9. Plans for said signals shall be submitted to the Commission for approval prior to installation. Crossing No. A-11.0-C shall be protected by one Standard No. 1 crossing sign.

The cost of installing the protection shall be borne by the City of Albany, and Southern Pacific Company shall thereafter bear the cost of maintaining said protection.

On days when racing is being conducted, and at other times when publicly attended events at the Golden Gate Turf Club so warrant, the main line crossing shall be further protected by a

uniformed officer provided by the City of Albany. Said officer shall be on duty at least two hours before the first race and for one hour following the last race, each racing day, and at other times when traffic conditions require. During periods of peak vehicular travel over the crossing, but only when said officer is on duty, the gate arms of the crossing signals may be made inoperative.

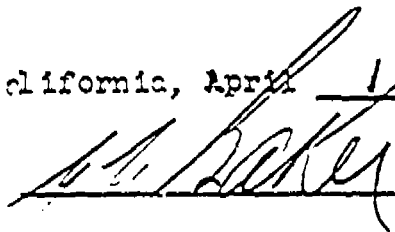
Until such time as the crossings herein authorized are improved and protected as herein ordered, barricades shall be maintained across the private driveways leading to and from the East Shore Highway in such a manner as to prevent the use of said driveways by the general public as a means of access to or egress from said East Shore Highway.

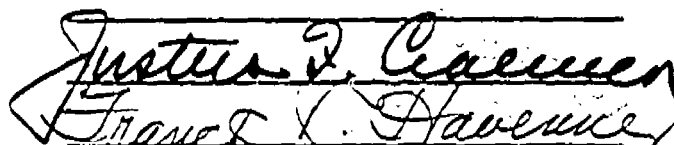
Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within one year, unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

II. That Application No. 23804 of Southern Pacific Company to close the crossing of Buchanan Street with its main line and side track is hereby denied, and said application is dismissed, without prejudice.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, April 1st, 1941.





Commissioners