

ORIGINAL

Decision No. 34970

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of KEY SYSTEM,)	
a corporation, for the substitution of crossing)	
protection at Adeline Street and Alcatraz Avenue)	Application
in the City of Berkeley, Alameda County, Cali-)	No. 24461
ornia (G.O. No. 75-3).)	

THOMAS K. McCARTHY, for Key System.

CHESTER C. FISK AND MARSHALL RICKSON, for the City of Berkeley.

BY THE COMMISSION:

O P I N I O N

In this proceeding Key System requests permission to abandon the crossing flagman at the crossing of its Berkeley Line with Alcatraz Avenue at the intersection of Alcatraz Avenue and Adeline Street.

A public hearing was held in this matter before Examiner Hall on Wednesday, November 17, 1941, in Berkeley, at which time the matter was submitted.

The double track line of Key System runs along the east center of Adeline Street paralleled by a double track freight line of Southern Pacific Company in the center of Adeline Street, and further paralleled by a double track street car line of East Bay Transit Company in the west center of Adeline Street, making a total of six tracks in Adeline Street at this location. The crossing flagmen, however, protects only the movements of Key System. The movements of Southern Pacific Company's freight trains over Adeline Avenue are protected by a member of the train crew and no human flagman protection is provided for street car movements.

Applicant produced testimony to show that a crossing flagman has been installed at this location for many years and before the abandonment of the Interurban Electric Railway Company, which used the tracks now used by Southern Pacific Company's freight tracks, the crossing flagman at this location served only Interurban Railway and

applicant.

Applicant contends that the train movements have materially decreased since the abandonment of Interurban Electric Railway and that its train movements are relatively slow, therefore applicant is of the opinion that the flagman is no longer necessary. Traffic counts were produced to show that 4,153 vehicles moved over this crossing during a 13-hour period on November 10, 1941. To further substantiate its position, applicant showed that the majority of the trains stop at Alcatraz Avenue to load and unload passengers and that both eastbound and westbound trains stop at the north side of Alcatraz, the only exception to this being a few westbound expresses in the morning and a few eastbound expresses in the evening which pass through this territory without stopping, although they travel at reduced speed.

The abandonment of the flagman was opposed by the City of Berkeley on the ground that an undue hazard would result if the flagman was abandoned. It contends that vehicles moving over the crossing have their view of approaching trains obscured by street cars standing at the north side of the crossing when loading and unloading passengers; that standing Key System trains block the view of approaching Key System express trains from the north; and that the view of automobiles making a left-hand turn in approaching the crossing is obstructed. The city believes that the flagman would be a material aid to fire and police equipment when traversing the crossing, by giving warning to this relatively fast moving traffic.

It was shown that in addition to automobile traffic a considerable number of pedestrians use the crossing and that they, as well as automobile traffic, should have this protection.

In reviewing the evidence it must be remembered that Adeline Street at its intersection with Alcatraz Avenue is a wide street whose center is occupied by three sets of double track, the

most northerly of which is Key System, and vehicles are not confined to definite lanes. A considerable portion of the automobile traffic using the Alcatraz Avenue crossing make left turns from Adeline Street which condition further involves the situation.

Applicant compared the Alcatraz crossing with that at Grand Avenue and Webster Street, which has no protection other than fixed signs, but in our opinion the two locations are dissimilar. At Grand Avenue and Webster Street a normal street intersection is involved with only the double track of Key System in the center of Grand Avenue and a street car line on Webster Street to the south of Grand Avenue, whereas at Alcatraz Avenue and Adeline Street the crossing situation is complicated by an abnormally wide street adjacent to the crossing, occupied by six tracks.

We are cognizant of the fact that the maintenance of a flagman involves expense which applicant might look upon as non-productive; however, in the light of the conditions surrounding this location, as shown by the record, the present human flagman protection by Key System should continue to be maintained, therefore the application should be denied.

O R D E R

A public hearing having been held and the matter being under submission;

IT IS HEREBY ORDERED that Application No. 24461 is hereby denied.

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

Dated at San Francisco, California, February 3rd 1942.

Justus J. Calkins
Ray & Kelly
Francis J. ...
Richard ...
Commissioners