

Decision No. 36044

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,
altering, 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

R. S. MYERS for Southern Pacific Company

JOSEPH J. Y. YOUNG, City Attorney, H. C. DYGART, City
Engineer, B. E. HILL, and W. R. McGEORGE, Councilman,
for the City of Albany.

E. P. MADIGAN, propria persona, in re the Golden Gate
Turf Club.

E. G. POSS 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:

SECOND INTERIM OPINION

In Decision 34078, dated April 1, 1941, in the above
entitled applications the City of Albany was authorized to widen and
improve the crossing of Buchanan Street with the main line tracks
of Southern Pacific Company to a width of approximately 60 feet,
this authority being granted subject to certain conditions, among
them being that the crossing be protected by two Standard No. 8
flashing light signals equipped with gate arms, and that until such
time as the crossing was improved and so protected, barricades be
maintained across certain private driveways in such a manner as to

prevent the use of this crossing by the general public as a means of access to or egress from the East Shore Highway. By subsequent order the time for carrying out these improvements has been extended and now expires on April 1, 1943.

It appearing that physical conditions in the vicinity of the crossing have materially changed during recent months, the Commission, on December 1, 1942, reopened these proceedings for further hearing and determination, and such hearing was held in Albany by Examiner Hall on December 16, 1942.

While the authority granted has not yet been exercised, the barricades required were erected, and for a number of months the use of the Buchanan Street crossing was limited to traffic to and from the Albany dump. Such traffic was light, and the crossing in its present physical condition and without special protection was probably entirely adequate for such use.

It now appears that due to the construction of a new access highway leading to the Richmond Ship Yards, the private driveways previously barricaded have become public thoroughfares, thus permitting extensive use of the Buchanan Street crossing in traveling to and from the East Shore Highway and the Richmond Access Highway. Traffic count submitted at the hearing showed this traffic to be approximately 1000 vehicles a day. Under these conditions the existing protection is entirely inadequate and should be immediately increased.

There is also under construction by the Maritime Commission a double track electric railway to be operated by the Key System, which will cross Buchanan Street in the immediate vicinity of the crossing with which we are concerned in these proceedings. This additional crossing will further complicate the situation, and it may be that some modification of the signal protection heretofore ordered will be required. It therefore appears desirable to suspend

final determination of these proceedings until the entire matter can be reviewed, including the application of the Key System for its crossing. In the meantime, however, an extremely hazardous condition exists which must be corrected. An Interim Order will therefore be issued requiring the maintenance of a human flagman 24 hours daily, empowered with police authority, the cost to be born equally by the City of Albany and Southern Pacific Company.

S E C O N D I N T E R I M O R D E R

Good Cause Appearing,

IT IS HEREBY ORDERED that Southern Pacific Company is directed to protect the crossing of Buchanan Street with its tracks in the City of Albany (Crossing No. A-13-67) by a human flagman 24 hours daily, said flagman to be deputized with police authority by the City of Albany, and the cost of maintaining the flagman to be born 50% by the Southern Pacific Company and 50% by the City of Albany. Said flagman shall be established forthwith and maintained until further order of the Commission. Effective date of this order shall be the date hereof.

It is further ordered that the Secretary of the Commission is hereby directed to serve a copy of this order by registered mail on Southern Pacific Company and the City of Albany.

Dated at San Francisco, California, December 22, 1942.

Justas F. Chalmer

Fayard G. Hartman
Nicholas J. Sack
Commissioners