

ORIGINAL

Decision No. ~~34078~~

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

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. 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:

OPINION AND ORDER
REVOKING DECISION No. 36044 and MODIFYING DECISION No. 34078

These proceedings were initiated in 1940 by the filing of an application by Southern Pacific Company to close (Application No. 23804) and, by the City of Albany, to widen and improve (Application No. 23991) the crossing of Buchanan Street with the main line tracks of Southern Pacific Company, Crossing No. A-10.67. (1) After several

(1) The crossing was originally numbered A-10.9 and so identified in prior decisions. Correction in the mileage was reported to the Commission in April, 1941, and the proper number is now A-10.67.

hearings on the matters the Commission, on April 1, 1941, made its Decision No. 34078 granting the application of the City of Albany and dismissing the Southern Pacific application. Although certain of the conditions of this order have been carried out the City has not yet exercised the authority to widen and improve the crossing. Due to changed conditions the Commission reopened the proceedings on its own motion on December 1, 1942, to determine whether Decision No. 34078 should be rescinded, altered, or amended, and further hearings were held before Examiner Hall on December 16, 1942, and January 6, 1943, the matters being submitted at the latter hearing.

Among the conditions in Decision No. 34078, referred to above, was one to the effect that until such time as the crossing was improved and protected, as ordered in the decision, barricades would be maintained across certain private driveways in such a manner as to prevent the use of the crossing by the general public. Under this provision the use of the crossing was limited to traffic to and from some tideland property owned by the City and used as a municipal dump. These barricades were erected and although the crossing was not improved, as provided in the Commission's order, its condition was satisfactory for the traffic having occasion to use it, and the matter of its widening and protection could be left optional with the City of Albany.

During the past year, however, conditions have materially changed. In connection with the war effort in which the United States Government is now engaged extensive shipbuilding yards were constructed by the Henry J. Kaiser Company in Richmond, a few miles to the east of the crossing with which we are concerned, and an access road has been constructed by the Federal Government which parallels the Southern Pacific tracks in the vicinity of the crossing. This road has become an important arterial highway carrying many thousands

of vehicles daily, and it is no longer practicable to maintain barricades or in any other manner prevent the use of the Buchanan Street crossing by the general public. As a matter of fact the crossing is now used by many vehicles transporting defense workers between the shipyards and an extensive residential section east of the railroad.

The crossing is narrow, rough, and extremely hazardous. Rail traffic amounts to approximately 75 trains per day and, in this territory, speeds up to 65 miles per hour and, for certain trains, a speed of 80 miles per hour is permissible. Due to extensive war industries in the vicinity the railroad finds it necessary to use parallel secondary main lines for storage purposes and, as a result, the view conditions are often badly obscured by standing freight cars. Realizing these hazards the Commission, following the hearing of December 16, made an Interim Order on December 22, 1942, directing that the crossing be protected by a human flagman until further order of the Commission.

The matter is now further complicated by the construction in the immediate vicinity by Key System as operating agent of the Maritime Commission, of a second double track electrically operated railroad for the transportation of workers to and from the shipyards. These tracks will cross Buchanan Street about 200 feet to the west of the Southern Pacific crossing and will present further hazards not only to the vehicular travel, consisting largely of shipyard workers, but also to the passengers on this shipyard railway. While the crossing of this Maritime Commission railway with Buchanan Street is not involved in the present proceedings it should be protected, although perhaps not to the same extent as the adjacent Southern Pacific crossing.

At the hearing on January 6, 1943, both the City of Albany and Southern Pacific Company stated that the conditions in Decision

No. 34078, under which the widening and improvement of the crossing was previously authorized, were satisfactory both as to the type of protection and the division of cost.

Southern Pacific Company alleges that there may be some difficulty in securing immediate delivery of the automatic gate protection required in this Decision, and that it has on hand flashing light signals which would provide a certain measure of protection pending the completion of the gate installation.

We are not convinced that there need be any out of the ordinary delay in securing these automatic gates, and believe that the project should proceed on the assumption that such protection be installed. Authority from the War Production Board for the gates is of course required but such authority is also necessary for the simple flashing light installation suggested. Aside from the signal itself the materials required for the two types of installation are identical. Control circuits satisfactory for the gate installation should certainly be satisfactory for the light signal, and as a last resort the latter type possibly, supplemented by human flagman during hours of peak travel, could be substituted with little if any expense.

It is strongly urged that every effort be made to complete the widening, improving, and protection of the crossing as previously authorized. While the crossing is temporarily protected by a human flagman, under the requirements of our Interim Order, such protection alone is not entirely satisfactory for this particular crossing, but pending the installation of the gate signals the flagman should be maintained.

As a result of the further hearings in this matter it is found that in general the order previously entered in Decision No. 34078 should be reaffirmed, but since certain minor adjustments are desirable it will be restated. The Interim Order (Decision No. 36044)

will be revoked and its provisions incorporated in the modification of Decision No. 34078, therefore;

The above entitled applications having been reopened for further hearing and determination, and the matter being submitted and ready for decision.

IT IS HEREBY ORDERED:

I. That Decision No. 36044, dated December 22, 1942, is hereby revoked.

II. That Section I of the order portion of Decision No. 34078, dated April 1, 1942, is hereby modified to read as follows:

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-10.67, in accordance with the plan attached to Application No. 23991 and identified as Exhibit "C." The width of the roadway west of the crossing and between the crossing of Buchanan Street with the tracks of Southern Pacific Company and those of the Richmond Shipyard Railway, now under construction, shall be at least 60 feet. The crossing shall be constructed substantially in accordance with Standard No. 3 of our General Order No. 72, except that the concrete headways recommended in such standard may be omitted.

The cost of preparing the tracks preparatory to the installation of the crossings shall be borne one-half by Southern Pacific Company and one-half by applicant. 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-10.67 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. The cost of providing such protection shall be borne by the City of Albany, and Southern Pacific Company shall thereafter bear the cost of maintenance.

During periods of peak vehicular travel over said crossing, but only at times when a uniformed traffic officer provided by the City of Albany is present for the purpose of directing traffic over the crossing, the gate arms of the crossing signals may be made inoperative.

Pending the installation of the signals, as herein provided, said crossing shall be continuously protected by human flagman. The cost of providing said flagman shall be borne equally by Southern Pacific Company and the City of Albany.

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.

In all other respects said Decision 34078 is in full force and effect.

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

Dated at San Francisco, California, January 12th, 1943.

Frank R. Havens

Richard K. Hulse
Ernest Carr
COMMISSIONERS