

ORIGINAL

Decision No. 36900

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)	
CITY OF OAKLAND, a municipal corporation,)	
to construct a crossing at grade across)	Application
the tracks of the Sacramento Northern Rail-)	No. 25781
way, in the City of Oakland, County of)	
Alameda, State of California.)	

F. Bert Fernhoff, City Attorney, and Ernest Livengood,
Deputy City Attorney, for applicant.

John E. Hennessy, for Sacramento Northern Railway.

Charles W. Fisher, for certain residents of the district
affected.

BY THE COMMISSION:

O P I N I O N

In this application the City of Oakland has requested permission to install a public crossing at grade over the tracks of Sacramento Northern Railway in the vicinity of Havens Station in said city.

A public hearing was held in this matter in Oakland before Examiner Hall on November 19, 1943, at which time the matter was submitted on briefs which have now been filed, and the matter is ready for determination.

The tracks of Sacramento Northern Railway in the vicinity of the proposed crossing run through a mountainous territory in a general easterly and westerly direction, and are paralleled on the south by Park Boulevard near the easterly boundary of Oakland.

In the vicinity of the proposed crossing the right of way of the railroad and Park Boulevard are adjacent to each other and are confined to the bottom of a canyon. The mountainous area to the north of the tracks is subdivided and residences have been built and occupied to a limited extent throughout the immediate vicinity.

The Sacramento Northern Railway tracks separate this area from Park Boulevard and the only means of ingress and egress is by way of a crossing over the Sacramento Northern tunnel about 1,800 feet to the east of the proposed crossing. If a crossing were installed at the location proposed the residents of the immediate area would have direct access to Park Boulevard instead of using a circuitous route via the tunnel crossing, a saving of about one-half mile.

In order to reach the proposed crossing from the subdivision to the north a very steep road must be built and used, which would involve a rise of at least 15 feet per 100 feet, or in other words, a 15 per cent grade or better.

The record shows from testimony of the City Engineer of Oakland that six residents would be favorably affected by the construction of a crossing and that all other residents of this area have other means of ingress and egress more convenient than by way of the proposed crossing.

Several residents of the area testified that the opening of such a crossing would be a convenience and would reduce the distance traveled to get to and from the center of the city.

The Sacramento Northern Railway protested the granting of this application on the ground that an undue hazard would accrue by the proposed steep grade to the north and that the closeness of Park Boulevard to its track on the south would not allow for a proper crossing. At this location not only is the main line track crossed but also a siding and a spur. The railroad further objects to the crossing as it would cut the siding and reduce its capacity. This track is used as a passing track and very often trains need to pass at this location. The spur track is used to set out tunnel outfit cars when men are at work maintaining the tunnel, and the entire length of this spur is necessary for the outfit and material cars.

It is quite clear to us that in order to make a satisfactory crossing at grade at this location, means would have to be developed to reduce the approach grade to the north and also relocate Park Boulevard away from the tracks to the south so that vehicles would have ample opportunity to make the turn on to the crossing without blocking the lanes of travel on Park Boulevard or standing on one of the tracks while waiting for a train to pass. Furthermore, the amount of use that would be made of this crossing would in no way justify such an expense if it were physically possible to make these changes, which in our judgment appears problematical.

Balancing the hazard of a crossing as proposed against the cost of developing a proper crossing at the same location, and the amount of use that would be made of it against the route now being used, we conclude that the present route is the only logical and safe method of getting to and from the territory involved, that public convenience and necessity do not at this time warrant the construction of the proposed crossing, and that the application should be denied.

Briefs were filed with particular reference to the allocation of costs of a grade crossing, but in view of the fact that this application will be denied, no discussion will be had on this subject.

O R D E R

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

IT IS HEREBY ORDERED that the above-numbered application

be and it is hereby denied.

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

Dated at San Francisco, California, this 29th day of February, 1944.

Richard L. Lusk
Justin F. Cassen
Francis R. Havens
Frank Wilson
Leo H. Russell

Commissioners