

ORIGINALDecision No. 37293

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 The United States of America, Acting)
 by the Federal Public Housing Authority) Application No. 26173
 for authorization to construct a Public)
 Highway across a railroad right of way.)

James E. Burns, for Applicant
 R. H. Linforth, for Regents of the University of California
 Donohue, Richards, & Hamlin, by James E. Gallagher,
 for Key System
 R. E. George, for Maritime Commission
 Joseph J. Yovino-Young, City Attorney for the City of
 Albany

BY THE COMMISSION:

O P I N I O N

In this application the United States of America, acting through the Federal Housing Authority requests authority to construct a crossing at grade with tracks constructed by the United States of America, acting through the authority of the Maritime Commission and operated by Key System, the location being in the City of Albany near the boundary line between that city and the City of Berkeley.

The application being opposed by the Maritime Commission and Key System, a public hearing was held in Albany on July 28, 1944, before Examiner Hall, at which time the matter was submitted.

The Housing Authority is at the present time constructing a large housing project extending from San Pablo Avenue westerly to the Southern Pacific right of way, consisting of some 1600 units on property lying on both sides of Codornices Creek, this creek being approximately the boundary line between the cities of Berkeley and Albany. Some of the streets in this project, particularly those lying in the City of Berkeley, were dedicated public streets prior to initiation of this project. Other streets, principally on the Albany side of the project have been created and serve as driveways reaching the various housing units. The streets with which this application is primarily concerned are 8th Street in Berkeley, connecting across the

main line of the Richmond Shipyard Railway into an extension of Jackson Street in Albany.

The Richmond Shipyard Railway was constructed by the Maritime Commission to provide transportation for employees of the various shipyards in the Richmond Harbor district. Tracks formerly operated by Interurban Railway in 9th Street, Berkeley, were utilized for a portion of the line, but at a point in the vicinity of the proposed crossing the Shipyard Railway diverges from the Interurban Railway location and extends northeasterly through the housing project crossing the main line of the Southern Pacific Company on an overhead structure near the westerly boundary of the project. At a point approximately 1000 feet northwesterly from the proposed crossing the railway begins its ascent to the overhead crossing with Southern Pacific Company. This approach is constructed on a 3% grade, while other grades on the railway in the immediate vicinity of the crossing are 1%.

The nearest crossing to the south of the one proposed in the application is that of Harrison Street, Berkeley, this being an old established street and one over which the Maritime Commission was authorized by this Commission to construct the crossing (Application No. 25456, Decision No. 36106). It is located 600 feet from the proposed crossing. The nearest crossing in the other direction is approximately 1600 feet distant and is at separated grades under the approach to the overhead crossing with Southern Pacific Company's tracks previously referred to. Parallel driveways on each side of the railway extending through the entire project connect these two crossings.

The chief purposes of the new crossing as set forth by the applicant are: (1) for the convenience of the tenants of the project in passing back and forth between the various units and in reaching

the Administration and Community Buildings, which are located in the immediate vicinity of the crossing; (2) to facilitate access to the project school which is now under construction on the Albany side of the project, located some 500 feet north of the crossing on Jackson Street; and (3) to permit fire apparatus to reach fires in the project in the shortest possible time, traveling a minimum distance. The crossing would also, to a limited extent, furnish a route by which residents on the southerly side of the railroad could reach the business section of Albany by way of Jackson Street.

The application is opposed by the Maritime Commission and the operating railway, Key System, on the grounds that it would create a hazard, both to users of the railway and the public using the crossing, and that because of the arrangement of streets in the vicinity of the crossing traffic would approach the tracks from six directions thereby causing traffic confusion and also making the crossing a very difficult one to protect. The protestants also take the position that the crossing is unnecessary for proper functioning of the housing project.

Richmond Shipyard Railway operates about forty trains daily passing through this housing project. Many of these are express trains with no stops between 40th Street and San Pablo Avenue, Oakland, and their shipyard destination in Richmond, while others make local stops, the nearest of such stops being at Camelia Street, approximately 2000 feet south of the proposed crossing. Speeds are not excessive, but nevertheless they are such that crossing accidents have occurred. The track is curved immediately to the south of the crossing and poles offer some obstruction to the view, otherwise the crossing is fairly open.

An appearance was also made by the Regents of the University of California, who are owners of a considerable portion of the land on which the project is located. Since this project is of a temporary

nature and will be dismantled following the war the University does not wish to have the public acquire rights which would in any way invalidate its title to the property. It therefore requests that if the Commission authorizes this crossing it be with the understanding that it is not a permanent roadway.

After giving thorough consideration to all of the evidence in this matter the Commission is inclined to agree with the owners and operators of the railway that the advantages to be obtained by opening this crossing are not sufficient to warrant the creation of this additional accident hazard. Under present restrictions in the use of automobiles there should be little occasion to drive a car in connection with inter-communication between the various portions of the project. With respect to the need of the crossing to facilitate the moving of fire apparatus it appears that arrangements have been made whereby both the Albany and Berkeley Fire Departments will respond to all alarms in the project. We are therefore not particularly impressed with the argument that the fire apparatus might arrive on the wrong side of the railroad and be forced to travel additional distance to cross the tracks.

Since ready access to San Pablo Avenue is obtainable by other streets the crossing is not necessary for residents in the project in reaching shopping districts located along that thoroughfare or in the business district of Albany on Solano Avenue. It also develops that approximately 75% of the prospective tenants of the project will be employed at Mare Island Navy Yard and the crossing is in no way essential in traveling to and from their place of employment. The remaining units are reserved for Navy Personnel stationed at the Landing Barge Depot now occupying the race track property to the west of the project and outlet to this point is obtainable by means of the undergrade crossing previously referred to.

After giving this record full consideration we are of the opinion that the application should be denied and an appropriate order will be entered.

O R D E R

A public hearing having been held in this application and the matter having been submitted,

IT IS HEREBY ORDERED that the above application is denied and dismissed.

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

Dated at San Francisco, California, Aug. 29, 1944

Richard Kachse
Justin F. Craven
Francis R. Havens
Francis W. Clark
Walter R. Rance
Commissioners