

**ORIGINAL**

Decision No. 37718

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the BOARD )	
OF SUPERVISORS of THE COUNTY OF ALAMEDA, STATE) Application	
OF CALIFORNIA, for authorization to construct ) No. 26501	
a public highway across a railroad. )	

RALPH HOYT, District Attorney of Alameda County, by  
R. Robert Hunter and Archie Smith, for applicant.

R. S. MEERS, for Southern Pacific Company, protestant.

C. W. WHITE, City Attorney of Hayward, interested party.

HOMER H. GRANT, for Key System, interested party.

BY THE COMMISSION:

**O P I N I O N**

In this application the Board of Supervisors of Alameda County requests permission to construct a public highway at grade across the Oakland-Miles main line track of Southern Pacific Company in the vicinity of the City of Hayward.

A public hearing was held in this matter before Examiner Paul in Hayward on February 2, 1945, at which time the matter was submitted for determination.

The track of Southern Pacific Company involved runs in a general northwest and southeast direction through the Hayward and San Lorenzo area. Immediately east of the town of San Lorenzo this track is crossed at grade by Lowelling Boulevard which connects the State highway on Hesperian Boulevard with East 14th Street. The latter streets are about one-half mile from the railroad, in this area, which they parallel on opposite sides.

"A" Street, in the City of Hayward, extends across Southern Pacific Company's tracks, at grade, to a connection with Hesperian Boulevard. There are no intervening crossings between Lowelling Boulevard and "A" Street, a distance of nearly two miles.

Blossom Way, which applicant proposes to construct over the tracks, runs generally parallel to "A" Street and about midway between "A" Street and Lowelling Boulevard. On the easterly side of the railroad Lowelling Boulevard and "A" Street are connected by Meekland Avenue. Between Lowelling Boulevard and "A" Street all intersecting streets end at Meekland, except Blossom Way, which deadends at the railroad right of way. The area east of the railroad, in the vicinity of Blossom Way, is subdivided and almost entirely occupied by dwellings.

To the west of the railroad and south of the town of San Lorenzo is located the San Lorenzo Village, a housing project consisting of more than 1,300 homes.<sup>(1)</sup> Between the housing project and the railroad right of way is a strip of unoccupied territory.

It is the proposal of applicant, if this application is granted, to extend Blossom Way westerly across the tracks to Hathaway Avenue, which is parallel to and approximately 250 feet west of the railroad. It is contended by applicant that this road connection is necessary to care for the flow of traffic between the areas on each side of the railroad.

In the close vicinity of the "A" Street crossing is located the Hayward Station and yard of Southern Pacific Company and two large canneries. The record indicates that there is considerable interference between train traffic and vehicular traffic at this location due primarily to switching movements. The only interference to vehicular traffic at the Lowelling Boulevard crossing, however, is the through movement of trains.

George A. Jansson, Supervisor of Alameda County, pointed out that it had been the County's desire for a considerable number of years to open the Blossom Way crossing in order to provide a needed through

---

(1) An air view picture of San Lorenzo Village is shown on Exhibit No. 9 in this proceeding.

artery to facilitate the movement of fire apparatus from the various fire districts. He further testified that with the advent of San Lorenzo Village the need for this crossing has been acute.

The crossing as proposed will intersect the main line track, a passing track, and a spur track serving an oil company at the westerly end of Blossom Way. The passing track extends from the Hayward station on the south to a point about  $\frac{1}{4}$  of a mile north of the crossing, and any trains which use this siding having a length in excess of that between the proposed crossing and its northerly end would have to be cut to allow the passage of vehicles.

Southern Pacific Company opposed the granting of the application on the grounds that the proposed crossing would interfere with the operation of its railroad, particularly at those times when it operates trains of 100 cars. Whenever these trains occupy the passing track they would have to be cut to allow for the passage of vehicles over the proposed crossing. Furthermore, it contended that a crossing could be built by extending Alden Street westerly across the tracks north of the north end of the passing track. It also took the position that the territory is amply served by the existing crossings at "A" Street and Lowelling Boulevard.

Applicant contended that the Alden Street location is too far north and too close to Lowelling Boulevard to be of any particular value, and that it would require a meandering route to the west of the railroad to fit into the street pattern.

After giving due consideration to the evidence of record in this proceeding we are convinced that the area involved has developed to such an extent that an additional grade crossing is necessary at a point about midway between "A" Street and Lowelling Boulevard. It appears that Blossom Way is the most advantageous location. The suggested Alden Street would be too far north to be of value to vehicular traffic.

Although it is not desirable to grant crossings at locations where multiple tracks are involved, in this case it appears that public convenience and necessity require the establishment of a crossing at the location proposed. However, it should be amply protected by safety devices and it is concluded from the record that the most appropriate protection would be by automatic flashlight signals connected with both the main line track and the passing track; that the circuits on the passing track should be provided with "directional track circuits"; and that plans for such signal device and circuits should be approved by this Commission before being installed.

A considerable amount of discussion was had with respect to the allocation of cost of construction and protection of this crossing. The circumstances surrounding this crossing lead us to the conclusion that the applicant should pay the cost of installing the crossing and its protective devices, and that the railroad company should maintain the crossing between lines two feet outside of the outside rails and maintain the protective devices. It will be so ordered.

ORDER

A public hearing having been held and the matter having been submitted;

IT IS HEREBY ORDERED that the Board of Supervisors of the County of Alameda, State of California, is hereby authorized to construct Blossom Way at grade across the tracks of the Oakland-Niles main line of Southern Pacific Company in the vicinity of the City of Hayward and at the location more particularly described in the application and as shown by the map attached to and made a part thereof, subject to the following conditions.

- (1) The above crossing shall be identified as Crossing No. D-19.1.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between these lines shall be borne by Southern Pacific Company.
- (3) The crossing shall be constructed of a width of not less than 24 feet and at an angle of approximately 90 degrees to the railroad, with grades of approach not greater than six per cent, and shall be constructed equal or superior to Standard No. 2 in our General Order No. 72.
- (4) Said crossing shall be protected by two Standard No. 8 flashing light signals, as prescribed in our General Order No. 75-B. Circuits for said signals shall be connected with both the main line and the passing track, and the circuits on the passing track shall be so arranged that there will not be excessive ringing when trains are standing on said passing track. Before said signals are installed, plans of same and of track circuits shall be submitted to the Commission for approval. The cost of constructing said signals and track circuits shall be borne by applicant, and the maintenance thereafter shall be borne by Southern Pacific Company.
- (5) Applicant shall within thirty (30) days thereafter notify this Commission in writing of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one year from the date of this order, unless further time is granted by subsequent order.
- (7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance, and protection of said crossing as to it may seem right and proper, and to revoke its permission if in its judgment public convenience and necessity demand such action.

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

Dated at San Francisco California March 13 1945.

Howard Rubin  
Justice G. Calver  
Richard Backus  
Frank W. Clark  
Sam M. Rowell  
Commissioners