

Decision No. 58298**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN PACIFIC COMPANY for authority
to abandon Ward Street Freight Station
Facilities at BERKELEY, County of
Alameda, State of California, and
trackage in connection therewith.

Application No. 40818

Randolph Karr and Harold S. Lentz, for applicant.
R. G. Hiscox, for R. G. Hiscox Lumber Company
protestant.
Fred C. Hutchinson, City Attorney, and Robert T.
Anderson, Assistant City Attorney, for the
City of Berkeley; W. J. Trombly, for S. T.
Johnson Co.; Claire W. Lanam, for Dwight-
Shattuck Ave. Merchants; and J. Howard Arnold,
Director, for Alameda-Contra Costa Transit
District, interested parties.

O P I N I O N

Southern Pacific Company filed this application on February 9, 1959. It seeks authority to discontinue its nonagency Ward Street freight station, Berkeley, Alameda County, and to remove the associated trackage. Public hearing was held before Examiner John Power in Berkeley on March 20, 1959, and the matter was submitted. Prior to hearing, two protests were received from private businesses. One was eliminated by a modification of the application; the other was withdrawn at the hearing. Thus, the matter was submitted with no pending protest.

The line of railroad which leads to Ward Street and once went beyond was originally constructed in 1878. It then connected Berkeley with the Oakland Long Wharf and was served by steam trains.

Later it was converted to an electric operation and was a main trunk line for commuter type passenger trains. This service was abandoned in favor of the consolidation of commuter service under another company a few years after the opening of the San Francisco-Oakland Bay Bridge. Since then the line has been used principally to move freight cars to the Ward Street station.

The Ward Street station is nonagency. The main Berkeley freight station of Southern Pacific is located near the main line passenger station on the applicant's Overland, Shasta and San Joaquin Valley combined line. This location is at the "foot" of University Avenue (the San Francisco Bay end of that street). This freight station is an agency station open from 6 a.m. to 11 p.m. Industry clerks working out of this and the Emeryville station handle the requirements of industry, most of which are located in the area adjacent to applicant's main line and to the Bay. West Berkeley station has automobile unloading and team track facilities.

If applicant is given the permission it seeks, seventeen grade crossings will be eliminated. Fifteen are protected by crossbucks and two by coordinated street traffic signals.

There appears, from the evidence, to have been considerable unloading of automobiles at Ward Street continuing until 1957. A facility in East Oakland now does most of the automobile unloading for East Bay dealers. Auto assembly in new California plants has also operated to lessen this type of business. In 1957, 147 carloads of automobiles were unloaded at Ward Street and 203 cars with other types of lading. In 1958, the corresponding figures were 53 auto, 107 general; in 1959, to date, 0 and 13. Totals were 350 in 1957, 160 in 1958, 13 in 1959, to date of hearing (March 20).

The City of Berkeley supported the application by a council resolution (Exhibit No. 12). The only conditions suggested by this city were in relation to removal of rails and repaving. Oakland did not appear, but had indicated a similar position prior to the hearing. The area merchants' group also was mainly interested in repaving and certain matters not within the Commission's jurisdiction. Southern Pacific accepted all the City of Berkeley's conditions through its counsel.

A statement was made by a representative of the Alameda-Contra Costa Transit District. He pointed out that certain plans of the San Francisco Bay Area Rapid Transit District involve some of the streets concerned in this application. It must be remembered that this line was used for the rail transportation of persons for many decades. The route in part is still used for bus transportation. An appropriate reservation will be made in the following order dealing with this situation.

The Commission therefore finds and concludes that:

- (1) Public convenience and necessity no longer require the operation of Ward Street nonagency station in the City of Berkeley.
- (2) Public convenience and necessity no longer require the operation of Southern Pacific Company's trackage between its engineer station 68 + 75.0 and the south line of Dwight Way in the City of Berkeley.
- (3) Public safety requires the removal of said trackage and elimination of grade crossings of streets and highways intersecting said trackage.
- (4) The public interest requires that Southern Pacific retain its title, if any, to occupancy of these streets for a period of one year from the date of this order unless said period of time is shortened by further order of this Commission. This conclusion does not constitute a finding that such title exists or as to the extent thereof.

O R D E R

Application having been filed, public hearing held, and the Commission basing its decision on the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED that:

1. Southern Pacific Company is authorized to abandon and close its nonagency station of Ward Street in the City of Berkeley, Alameda County, subject to the following conditions:

- (a) Within ninety days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, Southern Pacific Company shall post a notice of such closing and abandonment at the station and shall file, in duplicate, amendments to its tariffs showing the changes authorized herein, and shall make reference in such notice and tariffs to this decision as authority for the changes.
- (b) Within thirty days after abandonment and closing of Ward Street station as herein authorized Southern Pacific Company shall notify this Commission in writing thereof and of compliance with the above conditions.

2. Within one year after the effective date of this order, and subsequently to the closing of Ward Street station as herein provided, Southern Pacific Company shall remove its trackage, including both rails and ties between the point designated in the application as engineer station No. 68 / 75.0, and the southerly line of Dwight Way in the City of Berkeley. All paving broken or disturbed by such removal shall be replaced in a manner conforming to the specifications and grades established by the city controlling the street affected.

3. For a period of one year after the effective date of this order Southern Pacific Company shall retain all interests in land involved in this application which it holds which may or could be used or useful in the transportation of persons, provided, however, that this requirement shall not apply to the premises of the Ward Street station described as a triangular piece of land bounded by Adeline Street, Shattuck Avenue and Russell Street.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21st day of April, 1959.

E. Lynn Fox President
City of San Francisco
Michael J. Gale
Theodore J. Brunker
 Commissioners

Commissioner Everett C. McKenna, being necessarily absent, did not participate in the disposition of this proceeding.