

Decision No. 65638**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Investigation into the )  
 safety, maintenance, operations, )  
 use and protection of the 28th )  
 Street Crossing at grade over the )  
 tracks of the Southern Pacific )  
 Company in the City of Richmond, )  
 Crossing No. A-14.2. )

Case No. 7501

Randolph Karr, for the Southern Pacific Company and  
James P. O'Drain, for the City of Richmond,  
 respondents. ✓

Hugh N. Orr and Wm. R. Peters, for the Commission staff.

O P I N I O N

This is an investigation into the safety, maintenance, operations, use and protection of the crossing of 28th Street across the Southern Pacific Company's tracks in Richmond.

Public hearing was held in Richmond on March 21, 1963, before Examiner Power, and the matter was then submitted. The transcript has been filed and the matter is ready for decision.

A transportation engineer testified for the Commission staff. The Chief of Police, an Assistant Fire Chief, and a City Attorney testified for the City of Richmond. The chairman of an affected neighborhood group testified for his group. Respondent railroad presented five witnesses. The staff witness presented a study and respondent offered 21 exhibits, 15 of which were photographs of the crossing and its environment.

The staff defined three alternative results in this case. First, should the 28th Street Crossing be closed entirely. Second, should it be closed to automobiles and trucks but left open for pedestrian use. Third, should it be left open for both automobiles and pedestrians. If the last alternative were to be adopted, the staff contends that signal protection of the crossing should be upgraded.

Of the three alternatives the staff prefers the second. Respondent railroad prefers the first. The City and the neighborhood advocated the third alternative with the second as their second choice.

The area involved in this proceeding forms a right triangle. The north-south side is 23rd Street. The east-west side is Cutting Boulevard. The hypotenuse would be Carlson Boulevard. The Southern Pacific's tracks are located inside the triangle and immediately adjacent to Carlson Boulevard. The area is in the southern part of the City of Richmond. There are gate-protected crossings both at 23rd and at Cutting.

The Commission's Code Number for the 28th Street Crossing is A-14.2. The number of tracks is four: 2 main, 1 drill, 1 spur. The angle of the actual crossing is  $90^{\circ}$  and is 22 feet wide. Approaching from the southwest (i.e., from inside the triangle) there is no grade. Approaching from Carlson Boulevard there is a sharp descending grade of 15 percent.

It is .3 of a mile from the 23rd Street Crossing (A-14.5) to 28th Street and .4 of a mile from 28th Street to the Cutting Boulevard Crossing (A-13.8). There were two fatal accidents at 28th

Street in 1945, one of which involved a pedestrian. Other accidents occurred in 1952, 1960 and 1961. These, however, produced no casualties. The traffic at the crossing is set forth in the findings following.

28th Street after crossing the tracks intersects with, but does not cross, Carlson Boulevard. Thus it forms a T intersection with Carlson. Vehicular traffic using the 28th Street Crossing from northeast to southwest must travel along Carlson Boulevard.

Immediately across the tracks from Carlson, 28th Street intersects with Maine Avenue, an east-west street. It should be noted here that 28th is a true north-south street and that, to make a perpendicular crossing it has been bent about  $45^{\circ}$  to the east. This crossing could just as well have been called the Maine Avenue Crossing.<sup>1/</sup>

There is a bus stop on Carlson at 28th for buses of the Alameda-Contra Costa Transit System.

Storage space is limited by the proximity of Carlson Boulevard to the tracks. It is approximately 70 feet from the present southwesterly curb line on Carlson to the nearest rail. The City of Richmond has plans to widen Carlson by 14 feet on each side. Thus, the distance from nearest rail to the curb line would be reduced to 56 feet, reducing the storage space for vehicles between Carlson and the tracks.

There is a child-care center at the southwest corner of 28th and Maine with 173 children enrolled. The overwhelming majority of the parents and guardians bring their children by private automobile and many of these use the 28th Street Crossing. A few come

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<sup>1/</sup> If it were so designated the statement would read "bent about  $45^{\circ}$  toward the north".

by bus and use the crossing as pedestrians. Approximately 35 persons are employed at the center and of these about 7 use the bus to come to work.

The evidence contained certain factual data about the use of the crossing.

Maximum authorized railroad speed at said Crossing No. A-14.2 is 60 miles per hour. Traffic at Crossing No. A-14.2 is as follows:

- (a) Motor Vehicles: 1,150 to 1,200 per day.
- (b) Rail: 16 passenger trains; 25 freight trains; 16 to 20 switching movements.
- (c) Pedestrians and Bicycles: 130 to 140 in 16 hours, namely, 6:00 a.m. to 10:00 p.m.

Present signal protection at Crossing No. A-14.2 is inadequate to protect vehicle travelers.

The cost of installing crossing gates equipped with flashing light signals at 28th Street Crossing No. A-14.2 would be \$22,730, more or less.

The Commission finds that:

1. The crossing at 28th Street over the Southern Pacific Company's tracks (Crossing No. A-14.2) in Richmond is hazardous to the health and safety of that portion of the public traveling in motor vehicles.
2. There is no practical method of denying to pedestrians access to the Southern Pacific Company's tracks at 28th Street or in the vicinity thereof.
3. Present signal protection of Crossing No. A-14.2 would be adequate if the crossing were restricted to pedestrians and bicycle riders.

4. Cutting Boulevard Crossing No. A-13.8, four tenths of a mile southeast and 23rd Street Crossing No. A-14.5, three tenths of a mile northwest, are adequate to meet the needs of the area here involved for purposes of vehicular crossing of the tracks of Southern Pacific.

5. Pedestrians who now use the 28th Street Crossing (A-14.2) would be seriously inconvenienced by being forced to use Crossings Nos. A-13.8 or A-14.5.

6. Public convenience and necessity will not in the future require a vehicular crossing of 28th Street with the tracks of Southern Pacific Company.

7. Public health and safety require that said 28th Street Crossing be closed to vehicles.

8. Public health, safety, convenience and necessity require that a pedestrian crossing, not exceeding six feet in width be maintained at 28th Street with the Southern Pacific tracks.

9. Public health and safety will not require an increase of crossing protection at 28th Street (Crossing No. A-14.2) if such crossing is restricted to pedestrians.

The Commission concludes that:

1. The crossing of 23th Street with tracks of the Southern Pacific Company in the City of Richmond (Crossing No. A-14.2) should be closed to vehicles but left open for pedestrians and bicycle riders.

2. Said crossing (A-14.2) should be protected by two crossing signs (Standard No. 1 of General Order No. 75-B).

ORDER

IT IS ORDERED that:

1. Southern Pacific Company is authorized and directed to physically close its crossing at grade across 28th Street in Richmond, Contra Costa County, Crossing No. A-14.2, to the passage of vehicles. Such closing shall be accomplished within one year after the effective date of this order.

2. Southern Pacific Company shall continue to maintain a pedestrian walkway across its tracks at that point, said walkway to be not more than six feet in width.

3. Said pedestrian crossing shall be designated by the number A-14.2-D.

4. The pedestrian crossing shall be protected by two Standard No. 1 crossing signs (General Order No. 75-B).

5. Within thirty days after completion pursuant to this order Southern Pacific Company shall so advise the Commission in writing.

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

Dated at San Francisco, California, this 2nd day of JULY, 1963.

George G. Crower  
President

[Signature]  
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Fredrick B. Hohlhoff

[Signature]  
Commissioners