

ORIGINAL

Decision No. 70599

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the safety, maintenance, operation, use and protection of all public grade crossings of the SOUTHERN PACIFIC COMPANY between and including Crossing No. D-7.6, 5th Avenue, and Crossing No. D-13.7, 105th Avenue, and Crossing No. L-13.6, Edes Avenue, in the City of Oakland, County of Alameda.

Case No. 7886
Filed May 5, 1964

Application of the CITY OF OAKLAND, a municipal corporation, for authority for and approval of a public crossing at grade of the tracks of Southern Pacific Company at the extension of Bergedo Drive northeasterly to Moorpark Street.

Application No. 47076
Filed October 29, 1964

Harold S. Lentz, for Southern Pacific Company; William C. Sharp, for City of Oakland, respondents.

Walter G. Treanor, for the Western Pacific Railroad Company, intervenor and interested party.

Robert G. Pehrson, for Parsons Brinckerhoff-Tudor-Bechtel (consultants to the Bay Area Rapid Transit District); J. G. Hunter, for San Francisco Bay Area Rapid Transit District; and Glenn A. Forbes, for the City of San Leandro, interested parties.

Robert C. Marks and M. E. Getchel, for the Commission staff.

O P I N I O N

On May 5, 1964, the Commission instituted an investigation of the following crossings over the Southern Pacific Company tracks within the City of Oakland:

<u>Crossing Number</u>	<u>Name</u>	<u>Crossing Number</u>	<u>Name</u>
D-7.6	5th Avenue	D-10.8	50th Avenue
D-9.0	23rd Avenue	D-11.7	66th Avenue
D-9.5	29th Avenue	D-12.2	77th Avenue
D-9.8	Fruitvale Avenue	D-12.6	85th Avenue
D-9.9	34th Avenue	D-13.3	98th Avenue
D-10.0	36th Avenue	D-13.5	Douglas Avenue
D-10.1	37th Avenue	D-13.7	105th Avenue
D-10.4	High Street	L-13.6	Edes Avenue

for the purpose of determining whether any or all of these crossings may be hazardous to the public safety, and whether or not public safety, convenience and necessity require any of these crossings to be altered, relocated, separated, or closed to public use; also to prescribe the terms and conditions under which any closing, alteration, relocation, separation, maintenance, or installation of protective devices at said crossings shall be made, and the portion of the expense thereof which shall be allocated and apportioned between the Southern Pacific Company and the City of Oakland.

On October 29, 1964, the City of Oakland filed Application No. 47076 wherein it requested authority from the Commission to open an additional public crossing over the tracks of the Southern Pacific Company approximately 1,000 feet east of the 105th Avenue crossing for the purpose of providing additional access to Oakland's Sobrante Park area by extending Bergedo Drive in a northeasterly direction over the Southern Pacific Company tracks to connect with Moorpark Street. This application was consolidated with Case No. 7886 and the City of San Leandro was brought in as a necessary and proper party in the application proceeding and as an additional respondent in Case No. 7886. The Western Pacific

Railroad Company entered the proceedings as an intervenor and respondent on Western Pacific Crossing No. 4-9.4, which is located at 29th Avenue.

These matters were submitted on May 28, 1965, at the conclusion of 18 days of hearing. The extensive record comprises 63 exhibits, with numerous maps, reports and photographs, along with 1,633 pages of transcript compiled in 18 volumes. Evidence was presented by the Commission staff, the Southern Pacific Company, the City of Oakland, the Western Pacific Railroad Company, the Bay Area Rapid Transit District and by several residents of the Sobrante Park area, who testified in Application No. 47076.

The parties stipulated that the following crossings are adequately constructed and protected and that there is no need to consider them further in this proceeding: 5th Avenue, 23rd Avenue, Fruitvale Avenue, High Street, 50th Avenue, 85th Avenue, 98th Avenue.

The Crossings

The crossings are all at grade and cross the Southern Pacific Company's Sacramento (via Niles) main line which is easterly of and parallel to the Nimitz freeway. Another main line leaves these main line tracks between the 98th and 105th Avenue crossings. This main line is known as the "Mulford" line and connects Oakland, Santa Clara and San Jose. There are approximately 68 daily train movements over the Sacramento line and 21 over the "Mulford" line. All of the crossings except Edes and 105th Avenues are over multiple tracks and view conditions are bad at all crossings. Only three of the crossings (34th, 36th and 37th) have a daily vehicular use of less than 2,800 cars and 29th Avenue, with a daily vehicular count of over 10,000, crosses the main line of both the Southern Pacific Company and the Western Pacific Railroad Company.

29th Avenue Crossing (D-9.5)

The three tracks (one main track, a drill and a spur track) of the Western Pacific Railroad Company, hereinafter called WP, cross 29th Avenue 60 feet south of the intersection of 29th and East 12th Street. The Southern Pacific Company, hereinafter referred to as SP, tracks (2 main line, two passing and two spur tracks) cross approximately 140 feet south of the WP tracks. The four lanes of traffic on 29th Avenue carry an estimated 10,170 vehicles each day. The tracks are used by at least 60 SP trains and 10 WP trains during the same period. The SP tracks have a No. 3 wigwag signal on each side. The WP tracks are protected by two Standard No. 5 flashing light signals. East 12th Street, one of Oakland's busiest streets, is used extensively on a 24-hour a day basis. The traffic signals on East 12th Street at its intersection with 29th Avenue are now preempted by the same track circuits which control the flashing light signals on the WP tracks. WP trains approaching the crossing preempt the traffic signal cycle on East 12th Street and change the traffic lights to red for 12 seconds. This stops traffic in both directions on East 12th and allows an interval of 12 seconds for vehicles to clear the WP tracks and proceed on 29th Avenue. The signals on East 12th Street then become green and vehicular traffic moves along East 12th Street during the entire period the train is in the crossing. The Commission staff and both railroads recommended that automatic gate arms be installed on each side of both sets of tracks and that the preemption of traffic signals be provided on SP trains also, with the preemption time extended to 60 seconds. The City of Oakland recommended that the crossing be left as it is in view of the future plan to provide a grade separation. This is the only crossing which involves the Western Pacific Railroad Company.

34th Avenue Crossing (D-9.9)

The crossing width is 18 feet over six separate tracks. An estimated 628 vehicles and 60 trains cross every day. The Commission staff and the SP recommended that this crossing be closed. The City of Oakland prefers that it be kept open.

36th Avenue Crossing (D-10.0)

The crossing width is 21 feet over 6 separate tracks. An estimated 396 vehicles and 60 trains cross every day. The 36th Avenue Crossing is about 600 feet east of 34th Avenue and 300 feet east of 35th Avenue. The latter is blocked to prevent access to the tracks. The Commission staff and the SP recommended that the 36th Avenue crossing be closed. The City of Oakland prefers that it remain open.

37th Avenue Crossing (D-10.1)

This street has a paved width at the crossing of 20 feet, over six tracks. An estimated 395 vehicles and 60 trains cross every day. The crossings at 34th, 36th and 37th Avenues have only (Standard No. 1) wooden crossarm - railroad crossing - warning signs. In addition, a light has been installed at each of the 34th and 36th Avenue crossings to illuminate the intersection. The Commission staff recommended that the 37th Avenue crossing and approaches should be widened and automatic gates installed. The City of Oakland prefers that this crossing be left as it is now. The city also recommended that the 34th, 36th and 37th Avenue crossings be improved if they remain open but if one is to be closed recommends that 36th Avenue be selected.

66th Avenue Crossing (D-11.7)

The crossing width is 48 feet over five tracks. An estimated 3,647 vehicles and 60 trains use the crossing every day. This

crossing is already protected by automatic gates and the only recommendation made (by the staff) was to have a barrier erected so as to prevent parking along the railroad right of way, west of the tracks and south of 66th Avenue. The parked cars are between the railroad tracks and the automatic gates protecting the crossing. The parked cars can therefore drive in front of a moving train regardless of the position of the automatic gate arms. A staff witness testified that the need for the recommended barrier would be eliminated if the gates are moved closer to the tracks.

77th Avenue Crossing (D-12.2)

This crossing width is 90 feet over two main tracks. An estimated 21,944 vehicles and 58 trains use the crossing every day. The crossing is protected by automatic gates and is scheduled for separation and is on the 1965 grade separation priority list. No changes were recommended for this crossing.

Douglas Avenue Crossing (D-13.5)

The crossing has a paved width of 20 feet over four tracks. An estimated 444 vehicles and 52 trains use the crossing every day. The Commission staff and SP recommended that this crossing be closed. The City of Oakland prefers that it be kept open.

105th Avenue Crossing (D-13.7)

The crossing has a paved width of 36 feet over one track. An estimated 5,172 vehicles and 26 freight trains use the crossing every day. One No. 3 wigwag signal is now located at the crossing. The Commission staff and the SP have recommended the installation of automatic gates. The City of Oakland maintains that the crossing is safe and that the installation of a No. 8 flashing light signal on each side of the tracks is all the additional protection needed.

Edes Avenue Crossing (L-13.6)

The crossing has a paved width of 26 feet over a single track. Edes Avenue crosses 105th Avenue at a right angle. The track crossing Edes Avenue branches off the Sacramento main line at Douglas Avenue and proceeds at a 45-degree angle away from the main line in a southerly direction. Edes intersects Douglas Avenue 600 feet west of where the tracks cross Edes and 105th Avenue, 435 feet east of the Edes crossing. An estimated 6,406 vehicles and 20 trains use this crossing every day. The crossing is now protected by two No. 8 flashing light signals, which were installed in January 1955. SP recommended that automatic gates be installed at the crossing. The Commission staff had no objection to automatic gates. The City of Oakland argued that gates are not needed, since no accidents have occurred at the crossing and because installation of gates is too expensive to justify automatic gates at most railroad crossings.

The basic issues are whether automatic gates should be installed at the crossings and whether certain crossings should be closed. The staff and the SP favored the installation of automatic gates at all railroad crossings. Evidence was presented to the effect that gates are the safest and most efficient protection.

The Commission staff exhibits show that six out of eight of these crossings have had three or more accidents since January 1, 1955 and six out of eight involve three or more tracks. The train traffic ranges from 21 to 68 daily movements over each of these crossings. The City of Oakland emphasized the fact that most of the crossings are used by a substantial number of vehicles and numerous trains, but few accidents have occurred. The city argued that the enormous expense of installing automatic gates cannot be justified at crossings which have a good safety record and are

already adequately protected. The city presented graphs showing the movement of vehicles proceeding through the 29th Avenue intersection on East 12th Street. Several city engineers testified that preemption of the traffic signals at this intersection for SP trains will seriously disrupt the traffic on East 12th Street. A city traffic engineer testified that all traffic signals on East 12th Street are now coordinated and the preemption of one signal by passing trains will hold back traffic at the regulated intersection and allow it to bunch up so the other signals will lose control of the flow of traffic.

A police lieutenant and an assistant chief of the fire department testified in regard to the suggestion that the 34th, 36th and Douglas Avenues crossings be closed. Both men emphasized that all of these streets provide needed access to an area characterized by crowded, low-quality housing and scattered industrial plants which cause special fire and police problems. They testified that both departments send vehicles on calls by two parallel routes to ensure better coverage and to lessen the possibility of a traffic jam preventing their equipment from getting to the scene of action. Closing any of these streets will make it more difficult to provide complete fire and police protection and may boost local crime statistics by providing a series of streets which are blocked to patrol cars while permitting the individual criminal to pass on foot across the tracks wherever it is convenient. Patrolmen following would have to leave their radio cars and proceed without benefit of assistance or communication with headquarters.

The Application

The city proposed to create an additional exit from a triangular area 3,200 feet long, bounded on two sides by SP rail

lines, which diverge at the apex of the triangle and along the 4,000-foot base by the gully of San Leandro Creek. The area is primarily residential with some commercial and industrial occupancy. It is officially termed Sobrante Park and in 1960 had 652 dwelling units with a population of 2,849.

The only access to Sobrante Park is at the apex of the triangle over either Edes or 105th Avenues. These streets intersect at a right angle. Edes originates in Sobrante Park and extends westerly to intersect 98th and 85th Avenues, which give access to Oakland and the Nimitz Freeway. A second exit is provided by 105th Avenue, which crosses the main line of SP and proceeds northerly into central Oakland.

The new crossing site proposed by the city is 1,200 feet east of the 105th Avenue crossing. Bergedo Drive is within Sobrante Park. It runs north-south and curves abruptly to the east, approximately 100 feet south of the SP tracks. A wide path (or single lane dirt road) proceeds northerly off Bergedo Drive (36 feet wide) - at the point where Bergedo turns east - through a gate, over the SP tracks and into the yard of a private home. The private driveway then continues past the house and through a gate into Moorpark Street, which is a 30-foot wide street running 1,200 feet east of 105th Avenue and parallel to it. Moorpark extends only three blocks to where it is blocked by the tracks and right-of-way of the WP. Traffic entering Moorpark over the proposed crossing must turn left (west) over one of two cross streets, which are narrow residential streets (estimated to be 30 feet wide) with a large number of parked cars. The two cross streets end at Moorpark so there is no way to get off Moorpark other than the route described which enables the motorist to proceed two blocks to 105th Avenue, which is entered either two

or three blocks north of the Edes and 105th Avenues intersection and one or two blocks north of the intersection of 105th Avenue and the SP tracks.

An Oakland city planner testified that the anticipated expansion of population in the Sobrante Park area makes an additional means of access a necessity. Several residents testified that one or more additional streets out are desperately needed. A real estate developer testified that he will be constructing a new apartment house in the area as soon as the Moorpark crossing is opened. The Oakland Police and Fire Departments each sent a representative to testify that an additional entrance street is needed by both departments. They stated that all vehicles in or out now pass the same critical intersection (Edes and 105th). Any event which blocked this intersection would now prevent vehicles from entering or leaving; in addition, all police patrols now must pass in and out the same way, which militates against the police practice of scheduling patrols to arrive in each area without warning. An assistant superintendent of schools testified that Sobrante Park has two schools and the number of pupils attending is increasing every year. Many of these pupils now cross the tracks at the site of the proposed crossing. It is convenient and fences are climbed when the gates are closed and locked. He stated that a regular crossing would provide protection for the children who are now using it and would be another route of evacuation for civil defense purposes. A crossing or entrance elsewhere would not prevent the children from continuing to cross at Bergedo Drive.

The cost of the proposed Bergedo crossing was budgeted by the City at \$76,280. The Oakland City Traffic Engineer estimated that 3,500 vehicles will use the crossing in a 24-hour day. He

recommended that the proposed crossing be protected by two No. 8 flashing light signals at an approximate cost of \$16,000 to \$18,000, with \$5,000 or \$6,000 additional required if automatic gates are installed. Another city engineer testified that the opening of the proposed crossing would require that Moorpark, Bergedo, and the two access streets to 105th Avenue be improved and broadened to a width of at least 40 feet, although only short (one block) sections of Moorpark and Bergedo would be widened as a first priority job. The remainder of the work would be deferred until money is appropriated.

A city engineer testified that the proposed Bergedo Drive crossing was originally one of four methods suggested as a means of providing a second street into Sobrante Park. He stated the first suggestion made was to extend one or more streets southerly over San Leandro Creek and to connect them with corresponding streets on the other side of the creek in San Leandro. This proved impractical because of cost and the refusal of the latter city to assume the expense of improving and widening the streets in San Leandro which would carry the traffic out of Sobrante Park. He testified the second suggestion required that 105th Avenue be extended southerly to either connect with the Nimitz Freeway, or with a street on the other side of the creek in San Leandro. It was also proposed that 105th Avenue be curved to the west at its southern terminus - over the SP tracks to Bernhardt Street in Brookfield Village. He stated the fourth alternative suggested that Knight Street (which extends west for two blocks off 105th Avenue) be continued over the tracks of the SP branch line to connect with Kerwin Avenue in Brookfield Village (a housing development west of Sobrante Park).

Several witnesses testified that although the proposed Bergedo crossing is not ideal, it is the least expensive and most practical solution to the problem of providing additional access to

Sobrante Park. It was noted that the Knight Street crossing was never seriously considered due to the opposition of the SP; also, that plans to extend 105th Avenue did not progress beyond the planning stage due to cost, a lack of cooperation from San Leandro and the fact all alternatives - except connecting with the Nimitz Freeway - would require traffic to proceed a considerable distance over narrow residential streets in a heavily populated area. A San Leandro city engineer testified and confirmed the position of the City of San Leandro. He stated that providing Sobrante Park with an outlet would aggravate the area's traffic problems and thereby work a detriment to San Leandro. Oakland and San Leandro agreed that the former would assume all costs if the Commission authorized the crossing. The City of San Leandro presented no additional evidence and took no further part in the proceeding.

The Commission staff and the SP protested the application and opposed the new crossing. It was noted that the proposed crossing would deposit all of its traffic on 105th Avenue, a few blocks from the Edes-105th Avenues intersection and thereby increase congestion on 105th Avenue. An SP engineer explained that the SP multiple tracks branch just north of the 105th Avenue crossing into three separate tracks, one heading east, one south and one southwest; the last two routes are designated as the Niles line and the Santa Clara ("Mulford") line. A railroad block signal is installed on the Niles line just south of 105th Avenue and between 105th Avenue and the proposed Bergedo Street crossing. All trains proceeding north on the Niles line are required to stop when the block signal shows a red light and to remain until the signal changes. The engineer stated that it is now possible for a long train (over 100 cars) to stop south of 105th Avenue without blocking any other crossing.

The proposed Bergedo crossing is 1,200 feet south of 105th Avenue. He noted that if Bergedo is opened over the SP tracks, trains cannot be stopped south of 105th Avenue without blocking the Bergedo crossing and if the block signal were moved (at great expense) south of Bergedo many of the trains stopped by the signal would extend across and block Davis Street, the next crossing 4,400 feet to the south in San Leandro.

The assistant superintendent of SP's Oakland Terminal testified as follows: The "Niles" line extends from Oakland to San Jose and Los Angeles; the "Mulford" line which branches off the Niles line also connects Oakland with San Jose. During the appropriate season daily trains move lettuce out of the Salinas Valley over the "Mulford" line for shipment east on other railroads; usually three or four of these lettuce trains are dispatched together, carrying only perishables; they are given priority in scheduling since the SP guarantees to pay all damages resulting from any delay in getting the perishables to the other railroad on schedule; trains are now halted on the Niles line south of 105th Avenue long enough to allow the lettuce trains on the Mulford line to enter the main line into Oakland. The parked trains block no crossings at present, but if the Bergedo-Moorpark crossing is opened all trains would have to wait south of the Bergedo crossing and some of the trains would then extend across and block the Davis Street crossing in San Leandro. It is difficult to estimate how often Davis Street will be blocked, if Moorpark is opened. The Niles line freight cars vary in length from 50 to 100 feet; it would take a train of at least 85 ordinary length (50 feet) freight cars to block Davis Street from the proposed Bergedo crossing. If Bergedo is extended over the SP tracks it will deprive SP of a

holding area large enough to park any train using the line; the track between Bergedo and Davis will hold most trains, but Davis will occasionally be blocked and the train crew may have to split the train to clear the Davis Street crossing; this process is time consuming and expensive. It also would be necessary to obtain permission from the Interstate Commerce Commission to move the block signal from 105th Avenue to the Bergedo crossing; this expense would probably have to be assumed by SP along with the other inconvenience caused by the Bergedo crossing. Most critical is the fact that there are no other suitable holding areas in downtown Oakland where a train can be parked. Counsel for SP noted that Sobrante Park was originally planned without sufficient access and the burden of correcting the error should not be arbitrarily imposed on SP.

Several residents of the area testified that any exit is better than none, although it was stated that an exit at Bergedo would be less practical than an access off the Nimitz Freeway or into San Leandro.

The Bay Area Rapid Transit District provided a witness and two (Nos. 6 and 7) exhibits at the start (October 9, 1964) of the hearings to illustrate the proposed route of BART through Oakland and San Leandro.

Upon consideration of the evidence, the Commission finds as follows:

1. All of the railroad crossings involved are over main line routes which carry numerous long freight trains.
2. The 23rd Avenue crossing has been eliminated by a grade separation which is used by the public.

3. The following crossings are now adequately protected in order to ensure public convenience, necessity and safety; no changes thereto are required:

5th Avenue	D-7.6
Fruitvale Avenue	D-9.8
High Street	D-10.4
50th Avenue	D-10.8
77th Avenue	D-12.2
85th Avenue	D-12.6
98th Avenue	D-13.3

4. Many of the existing protective and traffic control devices now located at the several grade crossings particularly described in the following order do not afford adequate protection to the public; also, many of said crossings are now unduly hazardous, and each of said crossings will in the future be more congested; therefore, public convenience, necessity and safety require the installation of automatic gate arms and other improved crossing signal protection as set forth in the following findings and order.

5. The crossings at 34th Avenue (D-9.9), 36th Avenue (D-10.0) and Douglas Avenue (D-13.5) are dangerous to public safety and should be closed. All of these crossings connect with streets closely paralleling the railroad on both sides, permitting ready access to adjacent crossings which will remain open.

6. Standard No. 8 flashing light signals and automatic gate arms with appropriate warning circuits should be installed at the 29th Avenue intersection by SP and WP on each side of each of their respective lines.

7. The traffic signals at the East 12th and 29th Avenues intersection should be preempted by the railroad track circuits on both WP and SP to provide a green clearance period for approximately 60 seconds on the 29th Avenue signals so that all vehicles may be cleared from the track area.

8. Automatic gate arms should be installed by SP at the 37th Avenue, 105th Avenue and Edes Avenue intersections; in addition, the crossing and approaches at 37th Avenue should be improved and widened by the city and SP, and SP should erect a barricade at the 66th Avenue crossing to prevent parking on the railroad right-of-way.

9. The public interest requires that the cost of installing the automatic grade crossing protection at all of these crossings should be apportioned 50 percent to the railroad involved and 50 percent to the City of Oakland, which apportionment we hereby find to be equitable. The maintenance costs for the automatic grade crossing protection should be apportioned 50 percent to the railroad involved and 50 percent to the City of Oakland, pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

10. The cost of closing the three crossings and of erecting the barrier at the 66th Avenue crossing should be borne wholly by SP. The cost of widening the western approach and crossing at 37th Avenue to 36 feet to conform to the width of the eastern approach should be borne by the City of Oakland, except the SP should be responsible for preparing the tracks and roadbed to receive the pavement within lines two feet outside of the outside rails.

11. The city desires to extend Moorpark Street over the SP tracks to Bergedo Street for the purpose of providing an additional ingress to and egress from Sobrante Park and to expedite the operation of police and fire department vehicles in the area.

12. If the Bergedo-Moorpark crossing is opened it will seriously hinder the operation of SP trains and greatly increase the railroad's operating and maintenance costs.

13. The Moorpark-Bergedo crossing would provide another access to Sobrante Park but not a sufficiently useful one to justify the inconvenience it would cause SP.

14. There is another means of access to Sobrante Park and it is adequate for ordinary usage.

Based on the above findings, the Commission concludes that the crossings at 34th, 36th and Douglas Avenues should be closed, that the signal protection at the remaining crossings should be improved by the installation of automatic gates, that costs should be borne according to the findings herein and that Application No. 47076 should be denied.

O R D E R

IT IS ORDERED that:

1. The crossings of 34th Avenue (D-9.9), 36th Avenue (D-10.0), and Douglas Avenue (D-13.5) over the tracks of the Southern Pacific Company in the City of Oakland shall be closed by the Southern Pacific Company to all vehicular and pedestrian traffic as provided in the findings herein.

2. The crossing of 29th Avenue (D-9.5 and 4-9.4) over the tracks of the Western Pacific Railroad Company and the Southern Pacific Company in the City of Oakland shall be further improved by the installation of No. 8 flashing light signals with automatic gate arms, which are to be coordinated with the traffic signals at the intersection of 29th Avenue and East 12th Street, as described and in the manner provided in the findings herein.

3. The crossing of 66th Avenue (D-11.7) over the tracks of the Southern Pacific Company in the City of Oakland shall be further improved by the installation of a barricade to prevent parking on the railroad right-of-way as provided in the findings herein.

4. The crossings of 37th Avenue (D-10.1), 105th Avenue (D-13.7) and Edes Avenue (L-13.6) over the tracks of the Southern Pacific Company in the City of Oakland shall be further improved by the Southern Pacific Company and the City of Oakland as described and in the manner provided in the findings herein.

5. The cost of installing and maintaining the improvements required by the preceding paragraphs of this order shall be allocated to the Western Pacific Railroad Company, the Southern Pacific Company and the City of Oakland as provided in the findings herein.

6. The crossings at 34th Avenue, 36th Avenue and Douglas Avenue shall be closed within six months of the date of this order.

7. All work to be accomplished under the above ordering paragraphs shall be completed within twelve months after the effective date of this order, except as otherwise expressly provided. Within thirty days after completion of work pursuant to this order, Southern Pacific Company, the Western Pacific Railroad Company and the City of Oakland shall each so advise this Commission, in writing.

8. Application No. 47076 is hereby denied.

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

Dated at San Francisco, California, this 19th day of APRIL, 1966.

[Signature]
President

[Signature]

[Signature]

Commissioners

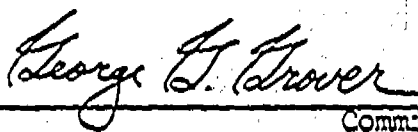
*I will file a
concurring opinion.
George A. Howell*

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

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CONCURRING OPINION OF COMMISSIONER GROVER

I concur. At the same time, I feel the numbered findings place undue emphasis upon the inconvenience to Southern Pacific which would result from the proposed Bergedo-Moorpark crossing. If that were the only consideration to be weighed against the crossing, it might well be insufficient; the railroad cannot expect to retain forever a mile-long parking track in this metropolitan area, at least not without a grade separation. But, as appears from the opinion itself, the particular crossing proposed is still not the most satisfactory solution; a southern or southwestern extension of 105th Avenue, for example, would seem to offer more balanced access for the Sobrante Park area. And even before a substitute proposal is worked out, the situation could be alleviated by enlarging and improving the intersection of Edes and 105th Avenues.



Commissioner

San Francisco, California

April 19, 1966