

Decision No. 72460

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Oakland,)
a municipal corporation, for)
authority and approval of a public)
crossing at grade of the tracks of)
the Southern Pacific Company at a)
proposed extension of Knight Street)
to Kerwin Avenue in the City of)
Oakland, County of Alameda, State)
of California.)

Application No. 48847
(Filed October 17, 1966)

William C. Sharp, for the City of Oakland.
Harold S. Lentz and Larry W. Telford, for
Southern Pacific Company, protestant.
M. E. Getchel, for the Commission staff.

O P I N I O N

The City of Oakland requests authority to construct a crossing at grade across the tracks of the Southern Pacific Company Elmhurst-Santa Clara Line at a proposed extension of Knight Street westerly to Kerwin Avenue in the City of Oakland.

A public hearing was held before Examiner Daly on March 28 and 29, 1967, at San Francisco with the matter being submitted on the latter date.

The proposed crossing would provide access to the Sobrante Park area of the City of Oakland. The area is primarily residential in nature and is bounded by the Southern Pacific Company tracks and San Leandro Creek. At the present time the only means of access to the area is provided by the Edes Avenue crossing located, in a southerly direction, approximately 1,600 feet from the proposed site.

If the crossing is authorized applicant proposes to provide protection consisting of automatic gates and two No. 8 flashing lights. The estimated cost of the entire construction including the

grade crossing protection is \$80,000. It was stipulated that if the Commission found that there is a need for the proposed grade crossing that the entire cost would be assumed by the City of Oakland.

The proposed crossing would traverse a single main line track of the Southern Pacific Company and a twelve foot concrete drainage ditch, which parallels the railroad tracks on the east side. The ditch, which is owned and maintained by the Alameda County Flood Control District, is enclosed on both sides by wire fences.

The Oakland Public School Department supports the proposed grade crossing because it would assertedly afford a more direct and safer route for certain school children. According to the Assistant Superintendent of the Oakland Public Schools, many children attending the Madison Junior High School in Sobrante Park take the more direct route across the tracks and drainage ditch at Knight Street and Kerwin Avenue on their way to and from school. If one commences at the 98th Street overpass the distance to the school via Knight Street and Kerwin Avenue is approximately one-fifth of a mile shorter than going by way of the Edes Street crossing.

The children gain access to the ditch area through a hole in one of the fences. They cross the ditch by means of wooden planks and they climb the other fence at a point near a gate. On the afternoon of March 28, 1967, the Vice Principal of Madison Junior High School observed approximately 100 children following this route on their way home. The following morning he observed twenty students use the same route on their way to school. According to the record the fence has been repaired many times by the Flood Control District, but has not proved to be a deterrent to the children.

Representatives of the Oakland Police and Fire Departments testified that the Sobrante Park area presents definite hazards

because of its single means of ingress and egress. They were both of the opinion that the proposed crossing is necessary because it would provide an alternate means of access to the area in the event that the intersection of Edes Avenue and 105th Avenue was blocked during the time of an emergency.

Southern Pacific Company opposes the proposed crossing on the ground that the site is located at a point on its Santa Clara line, which is used to hold trains prior to entering onto the Decoto main line at the company's Elmhurst interlocking plant. Because of a city ordinance against blocking of grade crossings, construction of the proposed crossing would necessitate breaking of trains. According to the Elmhurst Assistant Trainmaster this would result in traffic delays, because the uncoupling and breaking of trains would require at least fifteen minutes. He testified, however, that the majority of trains move at night and that on the average only three trains a day move over the proposed site during the daylight hours.

Traffic counts taken by the Southern Pacific Company at the crossings immediately adjacent to the proposed crossing indicate that the traffic flow in March of 1967, is substantially the same as in 1964.

After consideration the Commission finds that:

1. Children attending the Madison Junior High School in Sobrante Park cross the Southern Pacific Company's tracks at Knight Street and Kerwin Avenue on their way to and from school.
2. The Edes Avenue crossing provides Sobrante Park with its only means of ingress and egress and in the event said crossing were blocked during an emergency the area would be without police or fire protection.
3. The record does not indicate that there has been any substantial change in the traffic flow within the vicinity of the proposed crossing since 1964.

4. Because of the Southern Pacific Company's interlocking plant at Elmhurst it is quite possible that the proposed crossing would be blocked on occasions.

Conclusions

The Commission concludes that:

1. On the basis of the vehicular traffic alone it cannot be said that there is a need for the proposed crossing.

2. The fact, however, that the area is served by only one crossing does demonstrate a need for an alternate crossing during emergencies. Because the expected vehicular use of the proposed crossing is low the resulting public inconvenience that may arise from the possible blocking of the crossing by trains held at the Elmhurst interlocking plant should not be significant.

3. The application should be granted.

O R D E R

IT IS ORDERED that:

1. The City of Oakland is hereby authorized to construct a public crossing at grade across the tracks of the Southern Pacific Company at the location described in the application.

2. Width of the crossing shall be not less than 24 feet and grades of approach not greater than 6 percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 8 flashing light signals (General Order No. 75-B) augmented with automatic gate arms as set forth in Exhibit No. 20.

3. The City of Oakland shall bear the entire expense of construction and installation of automatic protection as well as the maintenance cost of the crossing outside of lines two feet

outside the crossing. Southern Pacific Company shall bear the maintenance cost of the crossing between such lines. Maintenance costs of the automatic protection shall be borne by the City of Oakland, pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

4. Within thirty days after completion pursuant to this order, the City of Oakland shall so advise the Commission in writing.

5. The authorization shall expire if not exercised within one year unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

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

Dated at San Francisco, California, this 27th day of MAY, 1967.

[Signature] President
[Signature]
[Signature]
[Signature] Commissioners