

**ORIGINAL**Decision No. 72654

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status, safety, }  
 maintenance, use and protection or }  
 closing of crossings at grade of the }  
 tracks of The Western Pacific Railroad }  
 Company and Southern Pacific Company }  
 in Cities of Oakland, San Leandro and }  
 Hayward and County of Alameda. }

Case No. 8367

William A. Hirst and George W. Beckam, Jr., for Alameda County; Richard W. Bridges, John W. Gavey and John C. Miller, for The Western Pacific Railroad Company; Douglas S. Cruickshank, for the City of Hayward; William C. Sharp, for the City of Oakland; William E. Sherwood, for California Department of Public Works, Division of Highways; L. W. Telford, for Southern Pacific Company; Richard H. Ward, for the City of San Leandro; Warren P. Marsden, for the San Francisco Bay Area Rapid Transit District, respondents.  
G. R. Mitchell, for the Brotherhood of Locomotive Engineers, interested party.  
John C. Gilman, Counsel, and M. E. Getchel, for the Commission staff.

O P I N I O N

By its order dated March 15, 1966, the Commission instituted an investigation into 90<sup>1/</sup> street crossings of the tracks of The Western Pacific Railroad Company and Southern Pacific Company in Alameda County. The investigation was instituted to determine:

1. Whether or not the public health, safety and welfare require relocation, widening, closing or other alteration of said crossings or require installation and maintenance of additional or improved protective devices at said crossings;

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<sup>1/</sup> The investigation included 9 existing grade separations and 1 pedestrian crossing and three at grade crossings (San Leandro Blvd. No. D-10.65-C, 77th Ave. No. 4-12.2 and 139th Ave. 4-16.2) for which no staff recommendations were made. The investigation therefore in effect involves only 77 crossings.

2. Whether, if any of the above should be done, on what terms such shall be done, and to make such apportionment of costs among the affected parties as may appear just and reasonable;
3. Whether any other order or orders that may be appropriate in the lawful exercise of the Commission's jurisdiction should be issued.

A public hearing was held before Examiner Daly at San Francisco on January 23, 1967 and April 5, 1967, with the matter being submitted on the latter date.

The majority of crossings herein considered are along the mainline of The Western Pacific Railroad Company from 5th Avenue in Oakland to Industrial Parkway in Hayward. The line for the most part parallels the proposed line of the Bay Area Rapid Transit District (BART). Eighty-five of the crossings cross the line of The Western Pacific Railroad Company and the remaining five cross the line of the Southern Pacific Company.

Exhibit 1 was prepared by a staff engineer who made a detailed study of each crossing. The exhibit contains a data sheet on every crossing. Each data sheet lists the agency of jurisdiction, crossing number, street, name, number of tracks, number of moving lanes of traffic, crossing and vehicular approach widths, angle of intersection, vehicular grade of approach, illumination, view conditions, intersecting adjacent streets, present automatic protection and installation date, train and vehicular speed limits (timetable and posted speed limits), daily vehicular and train traffic, accident history, remarks and recommendations.

The following is a summary of the recommendations made by the staff:

| <u>Agency</u>  | <u>Grade Separation</u> | <u>Gates</u> | <u>#8s</u> | <u>Close</u> | <u>None</u> | <u>Totals</u> |
|----------------|-------------------------|--------------|------------|--------------|-------------|---------------|
| Oakland        | -                       | 21(1)*       | 3(2)*      | 12           | 2(1)*       | 38(4)*        |
| San Leandro    | -                       | 13           | -          | 5            | 1           | 19            |
| Alameda County | 1                       | 8            | -          | 1            | -           | 10            |
| State          | -                       | 1            | -          | -            | -           | 1             |
| Hayward        | <u>3</u>                | <u>2</u>     | <u>-</u>   | <u>4</u>     | <u>-</u>    | <u>9</u>      |
| Totals         | 4                       | 45(1)*       | 3(2)*      | 22           | 3(1)*       | 77(4)*        |

\* Southern Pacific Company crossings shown in parentheses, others are Western Pacific Railroad Company.

Other recommendations of the staff were:

1. The closures and protection recommended in the City of Oakland be completed within one year, with the exception of the 73rd Avenue Crossing (No. 4-12.0) which should be coordinated with the construction of the Hegenberger Road grade separation schedule.
2. All other closures and upgradings be completed within two years.
3. Grade separations be completed within three years consistent with BART's schedule.
4. Grade crossing predictors be installed at crossings where they would substantially reduce the gate "down time" or signal over-ringing.
5. Cost of installing automatic protection be apportioned 50 percent to the railroad involved and 50 percent to the public agency involved.
6. The railroad bear the cost of the physical closing of the crossings.
7. The cost of maintenance of the automatic protection be apportioned pursuant to Section 1202.2 of the Public Utilities Code.

Since the institution of this investigation eleven of the grade crossings herein considered were made the subject of independent application proceedings and, therefore, will not be included in the ensuing order. <sup>2/</sup> With these exceptions and the exception of crossings hereinafter referred to all parties were in accord with the recommendations of the staff as set forth in Exhibit No. 1.

Exceptions:

(1) Crossing No. D-10.65-C - San Leandro Blvd.

The present crossing is equipped with two No. 8 flashing light signals. The staff recommended no change be made on this crossing, but Southern Pacific Company recommended that automatic gates be added. The City of Oakland believes that the present protection is adequate and that automatic gates will merely result in a number of rear end collisions.

(2) Crossing No. D-10.66-C - San Leandro Blvd. at 47th Avenue.

The staff and Southern Pacific Company both recommend that the present protection consisting of two No. 8 flashing light signals be augmented with automatic gates. The City of Oakland believes that the existing protection is adequate and that automatic gates would result in rear end collisions.

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- 2/ (a) Crossing No. 4-23.2 - Tennyson Road and No. 4-22.4, Sorenson Road, Decision No. 72141, 3/14/67, Application No. 48662
- (b) Crossing No. 4-21.9 - Harder Road and No. 4-21.5, Berry Avenue, Decision No. 72160, 3/14/67, Application No. 48661
- (c) Crossing No. 4-21.3 - Orchard Avenue and No. 4.21.0, Sycamore Street, Decision No. 72161, 3/14/67, Application No. 48660
- (d) Crossing No. 4-20.4 - "C" Street  
Decision No. 72142, 3/14/67, Application No. 48659
- (e) Crossing No. 4-18.0 - Ashland Avenue and No. 4-18.1, Elgin Street, Decision No. 71000, 7/19/66, Application No. 48510
- (f) Crossing No. 4-8.1 - 12th Avenue  
Decision No. 71133, 8/16/66, Case No. 8367
- (g) Crossing No. 4-9.4 - 29th Avenue  
Decision No. 70599, 4/19/66, Case No. 7886

(3) Crossing No. 4-10.0 - 38th Avenue.

The staff recommended that the crossing be closed. The City of Oakland recommends that the crossing remain open because it is an arterial that will serve an increasing need in the future and because the crossing serves the Dewey school located between 38th and 39th Avenues. According to the proposed construction of BART, however, a column will be placed at the intersection of 38th Avenue and the crossing by necessity will have to be closed.

(4) Crossing No. 4-10.4 - 44th Avenue.

The staff recommended closing of the crossing. The City of Oakland believes that the crossing should remain open because the adjacent area is light industrial, which is served by large tractors and trailers. If the crossing is closed the city claims that many of the businesses located on 44th Avenue could not be served unless a turn-around area is provided for large vehicles. BART indicated that it would make the turn-around area available.

(5) Crossing No. 4-10.8 - 52nd Avenue.

The staff recommended closing of the crossing. The City of Oakland points out that the staff also recommends the closing of the 51st and 53rd Avenue crossings. The city believes that 52nd Avenue should remain open because it provides a local level of service to businesses located in the area. According to the city the need for the 52nd Avenue crossing will increase. The city also points out that the crossing provides a major route for school children. The record indicates, however, that East 10th Street parallels the tracks between 50th and 54th Avenues and that the total distance between the 50th Avenue crossing and the 54th Avenue crossing is only 1,066 feet. The 52nd Avenue crossing is approximately 500 feet from either of these crossings.

(6) Crossing No. 4-12.0 - 73rd Avenue.

The City of Oakland proposes to separate Hegenberger Road and close the 73rd Avenue crossing. The staff recommends that the 73rd Avenue crossing be closed, but the city opposes any closing until the grade separation has been completed. The State Department of Public Works and the staff concur in the city's request.

(7) Crossing No. MP 15.7 - Hudson Lane  
Crossing No. 4-15.9 - West Avenue 137.

The staff recommended that each of these crossings be equipped with automatic gates. The staff also recommended that if alternate access can be provided more economically, then the crossings should be closed. According to the City of San Leandro the city and The Western Pacific Railroad Company are presently negotiating an agreement whereby these crossings will be closed and a new crossing will be constructed with automatic gates.

After consideration the Commission finds that the staff recommendations, including its recommendations on those crossings listed and discussed above as "Exceptions", would best serve the public health, safety and welfare and they are hereby adopted.

O R D E R.

IT IS ORDERED that:

1. Within one year after the effective date hereof the following crossings shall be closed:

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u> |
|---------------------|-----------------|---------------|
| 4-9.75              | Oakland         | 33rd Avenue   |
| 4-9.8               | Oakland         | 34th Avenue   |
| 4-9.9               | Oakland         | 36th Avenue   |
| 4-10.0              | Oakland         | 38th Avenue   |
| 4-10.1              | Oakland         | 39th Avenue   |
| 4-10.4              | Oakland         | 44th Avenue   |
| 4-10.75             | Oakland         | 51st Avenue   |
| 4-10.8              | Oakland         | 52nd Avenue   |
| 4-10.85             | Oakland         | 53rd Avenue   |

2. Within two years after the effective date hereof the following crossings shall be closed:

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u>       |
|---------------------|-----------------|---------------------|
| MP 14.2             | Private         | Franklin Lane       |
| 4-14.9              | San Leandro     | West Joaquin Avenue |
| 4-14.95             | San Leandro     | West Juana Avenue   |

3. Within one year after the effective date hereof automatic gates shall be installed at the following crossings:

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u>                 |
|---------------------|-----------------|-------------------------------|
| D-10.66-C           | Oakland         | San Leandro Blvd. & 47th Ave. |
| 4-7.6               | Oakland         | 5th Avenue                    |
| 4-9.5               | Oakland         | Derby Avenue                  |
| 4-9.7               | Oakland         | Fruitvale Avenue              |
| 4-9.85              | Oakland         | 35th Avenue                   |
| 4-9.95              | Oakland         | 37th Avenue                   |
| 4-10.15             | Oakland         | 40th Avenue                   |
| 4-10.2              | Oakland         | 41st Avenue                   |
| 4-10.3              | Oakland         | High Street                   |
| 4-10.45             | Oakland         | 45th Avenue                   |
| 4-10.5              | Oakland         | 47th Avenue                   |
| 4-10.7              | Oakland         | 50th Avenue                   |
| 4-10.9              | Oakland         | 54th Avenue                   |
| 4-11.6              | Oakland         | 66th Avenue                   |
| 4-11.9              | Oakland         | 69th Avenue                   |
| 4-12.3              | Oakland         | 81st Avenue                   |
| 4-12.6              | Oakland         | 85th Avenue                   |
| 4-12.95             | Oakland         | 92nd Avenue                   |
| 4-13.3              | Oakland         | 98th Avenue                   |
| 4-13.7              | Oakland         | 105th Avenue                  |

4. Within two years after the effective date hereof automatic gates shall be installed at the following crossings:

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u>         |
|---------------------|-----------------|-----------------------|
| 4-14.5              | San Leandro     | Peralta Street        |
| 4-14.75             | State           | State Route 112       |
| 4-14.8              | San Leandro     | West Estudillo Avenue |
| 4-15.0              | San Leandro     | Parrott Street        |
| 4-15.1              | San Leandro     | Thornton Street       |
| 4-15.2              | San Leandro     | William Street        |
| 4-15.25             | San Leandro     | Castro Street         |
| 4-15.3              | San Leandro     | Harlan Street         |
| 4-15.4              | San Leandro     | Estabrook Street      |
| 4-15.5              | San Leandro     | Marina Blvd.          |
| 4-16.3              | San Leandro     | 143rd Avenue          |
| 4-16.9              | San Leandro     | Halcyon Drive         |
| 4-17.2              | Alameda County  | Hesperian Blvd.       |
| 4-18.5              | Alameda County  | Lewelling Blvd.       |

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u>  |
|---------------------|-----------------|----------------|
| 4-18.7              | Alameda County  | Hampton Road   |
| 4-19.0              | Alameda County  | Medford Avenue |
| 4-19.2              | Alameda County  | Cherry Way     |
| 4-19.3              | Alameda County  | Blossom Way    |
| 4-19.5              | Alameda County  | Grove Way      |
| 4-19.8              | Alameda County  | Sunset Blvd.   |
| 4-20.2              | Hayward         | "A" Street     |
| 4-20.3              | Hayward         | "B" Street     |

5. Within one year after the effective date hereof, Standard No. 8 flashing light signals shall be installed at the following crossings:

| <u>No. Lights</u> | <u>Crossing No.</u> | <u>Location</u> | <u>Street</u>                  |
|-------------------|---------------------|-----------------|--------------------------------|
| 2                 | DH-13.8             | Oakland         | Russet Street & 105th Ave.     |
| 1                 | DH-13.9             | Oakland         | San Leandro Blvd. & 105th Ave. |

6. Within one year after the effective date hereof, two Standard No. 8 flashing light signals augmented with additional flashing light signals on cantilever arms shall be installed at the following crossing:

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u>                 |
|---------------------|-----------------|-------------------------------|
| 4-10.90-C           | Oakland         | San Leandro Blvd. & 53rd Ave. |

7. Within one year after the effective date hereof automatic gates shall be installed at the following crossing and bells shall be installed on the existing Standard No. 8 flashing light signals:

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u> |
|---------------------|-----------------|---------------|
| 4-12.1              | Oakland         | 75th Avenue   |

8. Within two years after the effective date hereof the following crossing shall be closed and access shall be provided westerly to Washington Avenue:

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u> |
|---------------------|-----------------|---------------|
| MP 16.1             | Private         | Private Road  |



9. Within one year after the effective date hereof the following crossing shall be closed, the tracks shall be removed from the street and the pavement shall be repaired:

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u>     |
|---------------------|-----------------|-------------------|
| 4-12.7-C            | Oakland         | San Leandro Blvd. |

10. Within one year after the effective date hereof automatic gates shall be installed at the following crossing and standard back lights shall be installed at the following crossing:

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u>   |
|---------------------|-----------------|-----------------|
| 4-11.3              | Oakland         | Seminary Avenue |

11. Within two years after the effective date hereof automatic gates shall be installed at the following crossings, unless within that time an alternate crossing is constructed equipped with automatic gates, in which case said crossings shall be closed:

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u>                 |
|---------------------|-----------------|-------------------------------|
| MP 15.7             | San Leandro     | Hudson Lane<br>(Private Road) |
| 4-15.9              | San Leandro     | West Avenue 137               |

12. Within one year after the effective date hereof the existing Standard No. 8 flashing light signals located at the following crossings shall be augmented with additional flashing lights on cantilever arms:

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u>     |
|---------------------|-----------------|-------------------|
| 4-13.16-C           | Oakland         | San Leandro Blvd. |
| 4-12.8-C            | Oakland         | San Leandro Blvd. |

13. Upon completion of the Hegenberger Road grade separations the following crossing shall be closed:

| <u>Crossing No.</u> | <u>Location</u> | <u>Street</u> |
|---------------------|-----------------|---------------|
| 4-12.0              | Oakland         | 73rd Avenue   |

14. The cost of installing the automatic protection shall be apportioned 50 percent to the railroad and 50 percent to the public agency involved. The railroad shall bear the cost of the physical closing of the crossings. The cost of maintenance of the automatic protection shall be apportioned pursuant to Section 1202.2 of the Public Utilities Code.

15. All traffic signals at adjacent intersections within 200 feet of any at-grade crossing shall be coordinated with train movements and a green clearance interval shall be provided to clear vehicles from the track area.

16. Within thirty days after completion of the work to be performed at each crossing pursuant to this order the railroad affected thereby 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 27<sup>th</sup> day of JUNE, 1967.

[Signature]  
President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner Fred P. Morrissey, being necessarily absent, did not participate in the disposition of this proceeding.