

ORIGINAL

Decision No. 73404

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  
(Filed March 15, 1966)

Larry W. Telford, for Southern Pacific Company;  
Richard W. Bridges, for Western Pacific Railroad Company; William C. Sharp, for City of Oakland;  
Richard H. Ward, for City of San Leandro;  
Melvin R. Dykman, for State of California, Dept. of Public Works; William A. Hirst, for County of Alameda, respondents.  
G. R. Porterfield, for Brotherhood of Locomotive Engineers-State Legislative Chairman-G. R. Mitchell; Warren P. Marsden and Thomas Jackson, for S.F. Bay Area Rapid Transit District, interested parties.  
John C. Gilman, Counsel, and M. E. Getchel, for the Commission staff.

## O P I N I O N

By Decision No. 72654, dated June 27, 1967, the Commission required certain safety changes to be made with respect to a number of grade crossings in Alameda County. On August 8, 1967, the Commission issued an order granting rehearing limited to the following crossings:

1. DH-13.8
2. DH-13.9
3. D-10.65-C
4. D-10.66-C
5. 4-10.0

Rehearing was held before Examiner Daly at San Francisco on September 8, 1967, and the matter was submitted.

Crossings Nos. DH-13.8 and DH-13.9

Crossings Nos. DH-13.8 and DH-13.9 were made the subject of a stipulation during the course of the original hearing, which inadvertently was not provided for in Decision No. 72654. The stipulation provided that action on said crossings should be postponed until the BART construction, currently under way at these crossings, is completed and normal traffic patterns are restored. Decision No. 72654 will be amended accordingly.

Crossing No. D-10.66-C

By Decision No. 72654 the Commission ordered that the existing No. 8 flashing light signals at Crossing No. D-10.66-C be augmented with automatic gates. Southern Pacific Company believes other gates should be installed at 47th Avenue, which is also considered a part of Crossing D-10.66-C in that it runs in a diagonal direction through the crossing and is without automatic protection. The staff witness during the original hearing was also of the opinion that 47th Avenue should be protected by automatic gates.

The City of Oakland argued that 47th Avenue below San Leandro Boulevard is a dead-end street one block long and the installation of automotive protection should be considered with regard to the priority of the crossing protection that is required and the availability of funds.

It is estimated that the cost to the City of Oakland for the installation of automatic gates at 47th Avenue would amount to approximately \$500.

After consideration the Commission finds that automatic gates should be installed at the 47th Avenue portion of Crossing No. D-10.66-C.

Crossing No. D-10.65-C

Crossing No. D-10.65-C is located approximately 100 feet from Crossing No. D-10.66-C and is presently equipped with No. 8 flashing light signals. Decision No. 72654 made no provision for installing automatic gates at this crossing.

Southern Pacific Company believes that the No. 8 flashing light signals should be augmented with automatic gates and it introduced into evidence Exhibit 10, which shows that since 1943 sixteen accidents have occurred at this crossing. The majority of these accidents involved cars running into the side of trains. Since the installation in 1956 of two No. 8 flashing light signals, with additional flashing lights on cantilever arms, only two accidents have taken place at said crossing. The last of these accidents occurred on August 14, 1967, and involved a train hitting the rear end of a car which had failed to stop for the flashing light.

Approximately 15,000 vehicles and six trains use this crossing daily. The estimated cost of installing automatic gates at this crossing is \$9,600. The share of the City of Oakland, with normal contributions, is estimated at \$2,400.

After consideration the Commission finds that the existing protection at Crossing D-10.65-C should be augmented with automatic gates.

Crossing No. 4-10.0

By Decision No. 72654 the Commission ordered the closing of Crossing No. 4-10.0, which is located at 38th Avenue in the City of Oakland. The Commission also ordered the closing of crossings located at 33rd, 34th, 36th and 39th Avenues. The crossings located at 35th, 37th and 40th Avenues were allowed to remain open, but were upgraded by requiring the installation of automatic gates.

The City of Oakland requests that the 38th Avenue crossing also remain open and be equipped with automatic gates. According to the City engineer, 38th Avenue is an arterial street between San Leandro Street and MacArthur Boulevard. With the installation of a BART station and parking lot, located between Fruitvale and 37th Avenues, he expressed the opinion that many individuals traveling along San Leandro Street and wishing to proceed in a northerly direction, will avoid 35th Avenue because of BART's facilities and will choose instead to use 38th Avenue.

After consideration the Commission finds that Crossing No. 4-10.0 should remain open and automatic gates installed.

By its petition filed July 19, 1967 The Western Pacific Railroad Company requested that the time within which to install automatic gates at certain crossings be extended from one year to four years and in the case of other crossings from two years to three years. The petition for modification was consolidated with the order granting rehearing, but at the time of rehearing petitioner was not prepared to proceed. The matter was thereupon continued to September 27, 1967. The matter was subsequently taken off calendar at petitioner's request.

O R D E R

IT IS ORDERED that:

1. Decision No. 72654 is amended as follows:
  - (a) Ordering paragraph 5 is amended to read as follows:
    - "5. Action in Crossings Nos. DH-13.8 and DH-13.9 is deferred pending further consideration by the Commission."

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(b) Ordering paragraph 3 is amended by adding thereto the following crossings:

<u>Crossing No.</u>	<u>Location</u>	<u>Street</u>
D-10.66-C	Oakland	47th Avenue
D-10.65-C	Oakland	San Leandro Boulevard
4-10.0	Oakland	38th Avenue

(c) Ordering paragraph 1 is amended by deleting therefrom the following crossing:

<u>Crossing No.</u>	<u>Location</u>	<u>Street</u>
4-10.0	Oakland	38th Avenue

2. In all other respects Decision No. 72654 shall remain in full force and effect.

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

Dated at San Francisco, California, this 28<sup>th</sup> day of NOVEMBER, 1967.

[Signature]  
President

[Signature]

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Commissioners