

ORIGINAL

Decision No. 77566

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of THE TOWN OF EMERYVILLE, a
municipal corporation, to re-
establish a public crossing at
grade over the tracks of the
Southern Pacific Company main
line at 64th Street.

Application No. 51503
(Filed November 24, 1969)

C. Errol Fletcher, for applicant.
Harold S. Lentz, for Southern Pacific Transportation
Company, respondent.
Melvin R. Dykman and David H. Frederickson, for
State of California Department of Public Works,
interested party.
Donald C. Meany, Counsel, for the Commission
staff.

O P I N I O N

By this application, the Town of Emeryville (City) requests that a public crossing at grade be re-established at 64th Street in Emeryville over the tracks of the Southern Pacific Transportation Company (Railroad), the successor in interest to the Southern Pacific Company named in the application; that Railroad be assessed all costs of reopening the crossing and reconstructing the facilities removed by it; that all maintenance costs of protective devices at the proposed crossing be assessed to Railroad; and that any other costs be properly allocated. A map showing the location of the proposed crossing and the area in the vicinity thereof is included in Appendix "A" attached hereto.

Public hearing was held before Examiner Mooney in San Francisco on March 17, 24 and 25, 1970. The matter was submitted on the latter date. Testimony and exhibits were presented by various

witnesses on behalf of City, Railroad and the Commission staff. Both Railroad and the staff protested the granting of the application.

The evidence establishes and the Commission finds as follows:

1. The proposed crossing at 64th Street in City would cross generally at right angle a 100-foot wide right-of-way of Railroad on which are located seven tracks, namely two main line tracks, two freight leads, two drill tracks and one spur. Except for the spur which serves the property of Peterson Tallow Co. in the southeast quadrant of the proposed crossing, the tracks are on tangent alignment. The northeast quadrant of said crossing is occupied by Joseph T. Ryerson & Son, Inc.; the northwest quadrant by Transco Western Envelope Co.; and the southwest by Interlines Blankenship, System 99. The projection of 64th Street alignment forms an angle point at the location of the proposed crossing. View conditions are restricted in the two northerly and the southeasterly quadrants. West of the railroad, 64th Street as it approaches the railroad tracks measures 44 feet between curb lines, and east of the railroad, the street pavement measures 49 feet wide. Street parking on 64th Street reduces these widths.

2. By an agreement dated April 14, 1949, Railroad granted a revokable license to The Paraffine Companies, Inc., parent company of Pabco, to construct, maintain and use a private road crossing 30 feet in width over the property and tracks of licensor at 64th Street. Said agreement provided that it would remain in force and effect until terminated by either party by giving six months' written notice to that effect to the other party. The private crossing was installed and was protected by automatic flashing light

signals. At that time, the Pabco plant occupied all of the area immediately west of the proposed crossing. The private crossing served a loading platform of said plant which could only be reached via said crossing.

3. Subsequent to the agreement referred to in Finding 2, Fibreboard Paper Products Corporation, the successor in interest to the Paraffine Companies, closed the Pabco plant. At that time, Fibreboard owned all or most of the property between the Eastshore Freeway on the west, Railroad's tracks on the east, Powell Street on the south and the area immediately north of 64th Street on the north. There are approximately 50 acres in this parcel of land. It is bisected by Christie Avenue which runs between Powell and 64th Streets. Fibreboard has sold approximately half of the acreage and has retained the balance. Fibreboard is considering subdividing its remaining 25 acres. The 50 acres together with approximately 15 acres immediately north thereof are zoned industrial. The former Pabco property was occupied by low-density heavy industry. This is being replaced with high-density light industry, office and commercial buildings and truck terminals.

4. After the closing of the Pabco plant, there was an increasing usage of the private crossing at 64th Street by the general public. 64th Street which had for many years been a city street east of the tracks was extended west of the tracks. By written notice dated May 5, 1965, Railroad informed Fibreboard that the agreement and permission given therein for the private crossing at 64th Street would terminate November 7, 1965, and advised Fibreboard that if it did not remove the crossing by said date, Railroad would do so at Fibreboard's expense.

5. City desired to have the private crossing remain open as a public thoroughfare. Fibreboard agreed to the closing of the private crossing, and it was closed.

6. Decision No. 71285, dated September 13, 1966, in Application No. 48588, authorized City to construct the Powell Street Overpass structure over Railroad's tracks at Powell Street, approximately 1,800 feet south of the proposed crossing. Said overpass replaced the then existing grade crossing at Powell Street. The decision authorized a temporary detour crossing at grade at 64th Street to detour traffic from the Powell Street crossing during the period of construction and ordered the closing of the temporary detour crossing at 64th Street and the existing grade crossing at Powell Street upon completion of the overpass. The construction was completed and the detour crossing closed as ordered in March 1968.

7. In the portion of the 50 acres between Powell Street and 64th Street which Fibreboard has sold, there are now approximately 20 businesses employing about 1,000 people. Garrett Freightways and Transco Western Envelope are located immediately north of 64th Street. The entire area is served with about 500 trucks per day, ranging from pickups to large highway equipment.

8. In a distance of slightly less than 4,000 feet of main line track through City, there are three crossings at grade, at 65th, 66th and 67th Streets, and the Powell Street Overpass. The 65th Street crossing is approximately 200 feet north of the proposed crossing. Access to the 65 acres from the east is now either via 65th Street to Lacoste Street and south on Lacoste Street which runs generally parallel and adjacent to the Eastshore Freeway to 64th

Street which ends at the freeway, or via the Powell Street Overpass to Christie Avenue and north on Christie Avenue.

9. On the west side of the Eastshore Freeway, there are approximately 65 acres of filled land extending out into San Francisco Bay from Emeryville. The filled area is generally rectangular in shape with a projection extending out from the southwest corner for a proposed marina. Powell Street crosses the freeway and extends into this area. There are approximately five to seven acres south of Powell Street, and the balance is north thereof. The northern boundary is approximately 800 feet north of Powell Street and considerably south of an imaginary prolongation of 64th Street. A request has been filed with the Bay Conservation and Development Commission for authority to extend the fill for the proposed marina. Plans are underway for development of multiple dwellings, office and other commercial buildings and a new city hall in the existing filled area.

10. The General Plan for City for 1985 includes a proposal to add additional fill to the north of the existing filled area and to extend 64th Street across the Eastshore Freeway into the proposed new area. Said plan is subject to revision and there is no definite assurance at this time as to whether any appreciable part of the plan will materialize.

11. Traffic counts taken on various workdays during February and March 1970 disclose the following results:

- a. An average of 4,385 vehicles used the crossings at 65th, 66th and 67th Streets during a 24-hour period.
- b. The average 24-hour daily vehicle count on Lacoste Street between 64th and 65th Streets was 508 northbound and 1,093 southbound.

- c. During the two three-hour periods from 7:00 a.m. to 10:00 a.m. and from 3:00 p.m. to 6:00 p.m., an average of 419 westbound vehicles on Powell Street from the direction of the overpass turned into Christie Avenue, and an average of 479 vehicles turned east on Powell Street in the direction of the overpass from Christie Avenue. The majority of the traffic on Powell Street was through traffic that did not use Christie Avenue and most of the traffic to and from Christie Avenue was from or to the direction of the Eastshore Freeway.

12. There are an average of 68 train movements at the proposed crossing each day. These include approximately 32 through and local freight trains, six passenger trains and 30 switching movements. The opening of the proposed crossing could cause some inconvenience to Railroad in its train operations.

13. Plans are being considered to move The Atchison, Topeka and Santa Fe Railway Company's rail traffic between Oakland and Richmond to Railroad's tracks which, if it materializes, would increase the train movements at the proposed crossing by several per day.

14. Most of City's fire equipment and personnel are stationed at the fire house at Hollis and 63rd Streets which is approximately 300 feet in an easterly and southerly direction from the proposed crossing. There would be a time advantage of one and one-half to two minutes in reaching the center section of the 65 acres east of the Eastshore Freeway from said fire station if the proposed crossing at 64th Street were open. This time advantage would be less in the portions of said area which are closer to either the 65th Street crossing or the Powell Street Overpass. Also, any time advantage of the proposed crossing could be eliminated if it were blocked by train movements. If this should occur, it would most likely necessitate the use of the Powell Street Overpass.

15. A grade crossing at 64th Street would provide a limited convenience to traffic originating in the immediate vicinity thereof. However, it would tend to divert traffic from the other crossings, including the Powell Street Overpass which was constructed to eliminate the problems of an at-grade crossing.

16. Based on existing street layout, traffic and traffic patterns and the present development in the 65 acres east of the Eastshore Freeway and the 65 acres of fill west thereof, public convenience and safety have not been shown to require a crossing at grade of Railroad's tracks at 64th Street.

Based on the above findings, the Commission concludes that the application should be denied.

O R D E R

IT IS ORDERED that Application No. 51503 is denied.

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

Dated at San Francisco, California, this 14th day of AUGUST, 1970.

Chairman

Commissioners

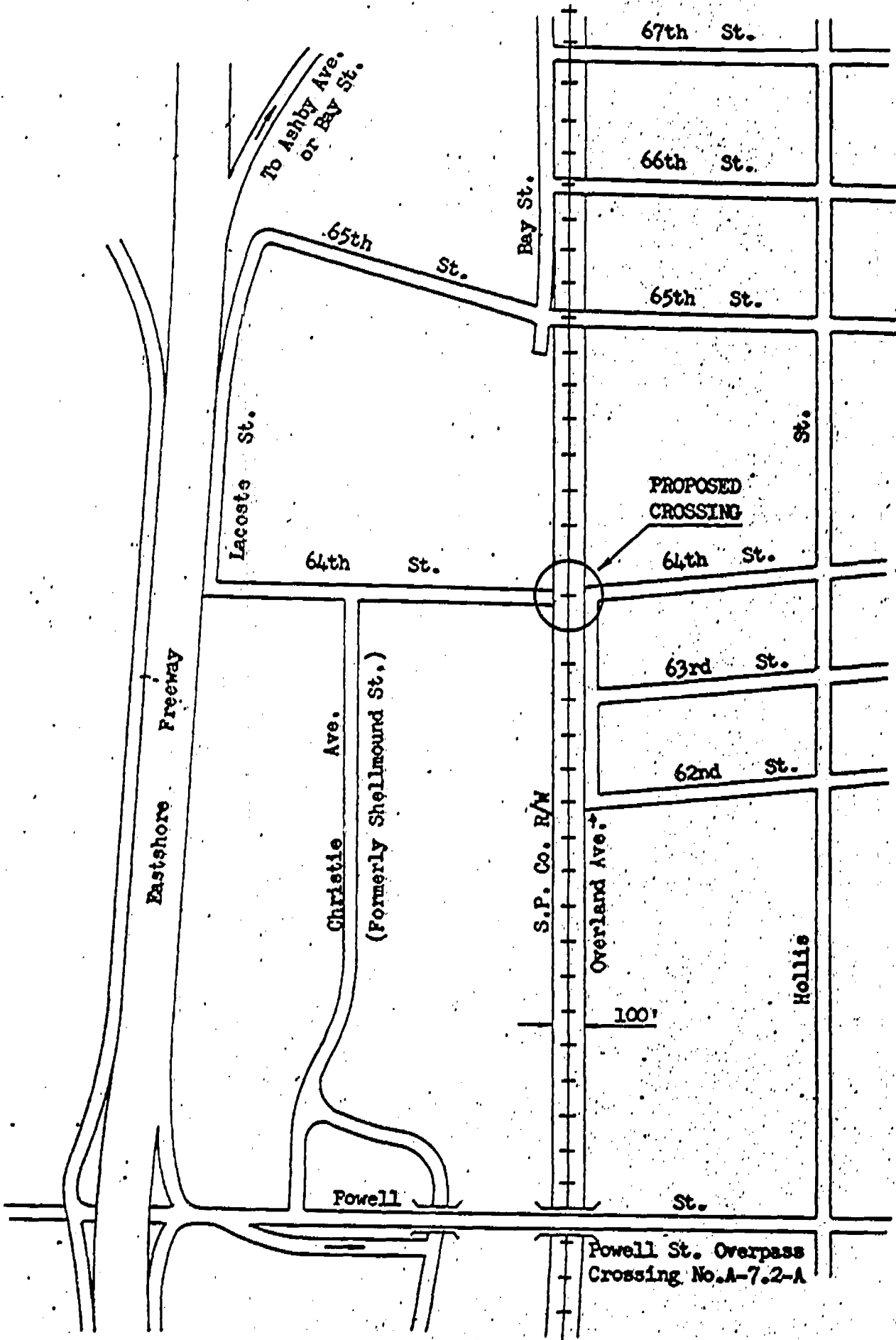
Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX "A"

TOWN OF EMERYVILLE

VICINITY MAP

PROPOSED CROSSING OF S. P. T. CO. MAIN LINE AT 64th STREET



SCALE: 1" = 400'