

ORIGINAL

Decision No. 11878

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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William Duelske,)	
Complainant)	
)	
vs.)	Case No. 1837
)	
Pacific Electric Railway Company)	
Defendant)	

Eugene A. Holmes, for complainant
Frank Karr and Hubert Starr, for
defendant

BY THE COMMISSION:

O P I N I O N

In this complaint William Duelske asks that defendant be directed to maintain human flagman continuously during the twenty-four hours of each day for the protection of Manchester Avenue crossing of Pacific Electric Railway Company and that the bell on the existing automatic flagman at this crossing be discontinued.

A public hearing was held before Examiner Williams in Los Angeles on March 13, 1923.

Manchester Avenue is an important highway in Los Angeles County running east and west and crossing the right-of-way and four tracks of the Pacific Electric Railway Company. At the crossing, proceeding westerly, these tracks are described as follows:

North-bound local and freight track
North-bound through-passenger track
South-bound through-passenger track
South-bound local and freight track
Over part of the crossing a spur track
in the last above named into defen-
dant's material yards.

The roadway of Manchester Avenue is approximately thirty feet in width with an oiled rock surface. At the southwest corner of the crossing there is an automatic flagman with bell. East of the crossing there is a street parallel to the right-of-way forty feet in width north of Manchester Avenue and sixty feet in width to the south. On the west side of the tracks and on the north side of Manchester Avenue there is a grocery store, the east face of which is approximately eight feet from the right-of-way fence and eighteen feet from the center line of the south-bound local track. On the south side of Manchester Avenue there is a tight board fence up to the right-of-way fence.

A number of residents in this vicinity testified that from their experience and in their judgment the crossing is dangerous. Their reasons were that the automatic flagman was often out of order; that because the cars on the local south-bound track stopping to unload on the north side of Manchester Avenue obscured the view of the high-speed trains on the south-bound through-passenger track, and it appears also that the grocery store seriously cuts off the view of approaching trains. Several witnesses stated that a traveler in an automobile had to nearly go onto the south-bound local track before he could ascertain by looking whether or not cars were approaching. In some instances grade of approach appears to be a troublesome factor in approaching the crossing from the west. There are no bright street lamps illuminating the crossing.

The defendant introduced evidence that in the seven months,

May to November 1922, the automatic flagman was inspected 162 times, that there were six cases of reported trouble and that the automatic flagman was actually found out of order but once, and that this was remedied in two hours. This is exclusive of once when the bell was out of order when it had been battered by stones. As to muffling the bell in the automatic flagman, it was stipulated that this would be satisfactory to the complainant if a human flagman were placed on duty.

Defendant took the position that there were any number of crossings similarly located without the protection of human flagmen and that it did not think that this was necessary at this time, although it would be when the street was paved, because of the additional automobile traffic which would be invited, because Manchester Avenue is what may be termed a through street. The complaint recites that on August 21, 1922 from five a.m. to seven p.m. 323 express passenger trains, 247 local passenger trains and 50 freight trains passed over Manchester Avenue crossing. At the hearing it developed that the 50 freight trains included baggage and express cars. The complaint also recites that on July 11, 1922 856 automobiles and 839 pedestrians passed along Manchester Avenue and over the crossing between five a.m. and seven p.m. These figures were accepted by the defendant.

Taking all of the evidence into consideration it appears that the hazards existing at this crossing because of the obscured view, the large number of train movements on the four tracks and the number of travelers along Manchester Avenue justify the maintenance of a human flagman at this crossing. This protection does not appear to be justified for twenty-four hours each day. Two shifts of watchmen totaling eighteen hours from six a.m. to ten p.m. seem to be sufficient and the order will so provide.

ORDER

A public hearing having been held on the above entitled matter, the Commission being apprized of the facts and the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that Pacific Electric Railway Company be and it is hereby directed to employ and maintain a human flagman for the protection of its crossing at Manchester Avenue, Los Angeles County, for the protection of travelers on the highway each day between the hours of six a.m. and ten p.m.

IT IS HEREBY FURTHER ORDERED, that Pacific Electric Railway Company be and it is hereby ordered, to muffle the bell on the existing automatic flagman at its crossing of Manchester Avenue, Los Angeles County.

Dated at San Francisco, California, this 12^d day of March, 1923.

C. Seaver
Irving Martin
J. T. Whittney
Commissioners.