

Decision No. 14509

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM DUELKS, Complainant,

vs.

PACIFIC ELECTRIC RAILWAY CO.,  
Defendant.

CASE No. 2244

William Duelks, in propria persona, Complainant.

C. W. Cornell for Defendant.

BY THE COMMISSION -

O P I N I O N

In this proceeding William Duelks, a resident of Graham, Los Angeles County, complains of defendant Pacific Electric Railway Company, a corporation, alleging that the operation of the railroad of the defendant at Manchester Avenue, also known as Graham Station, in the County of Los Angeles, is objectionable to said complainant and other residents of Graham by reason of the noise made by crossing bells, train whistles, the explosion of torpedoes, and the ringing of warning gongs. Complainant prays for an order of the Commission requiring defendant to eliminate said alleged unnecessary whistling, ringing of crossing and car gongs, and to install flagmen at the Manchester Avenue crossing during the entire 24 hour period of each day.

Protestant duly filed its answer herein, said answer being in effect a general denial of all of the material allegations of the complaint.

A public hearing on the issues presented by this complaint and answer was conducted by Examiner Handford at Los Angeles, the matter was duly submitted and is now ready for decision.

At the hearing complainant withdrew all items of complaint except as to the annoyance occasioned by train whistling and ringing gongs and the ringing of crossing warning bells.

Three witnesses, residing or employed near the Manchester Avenue crossing, testified as to the annoyance caused by apparently unnecessary blowing of whistles and ringing of gongs on trains and of noise made by the crossing warning bell, which latter by reason of the frequency of train movement over the Manchester Avenue crossing rings at frequent intervals.

Mr. E. Clark, Superintendent of the Southern Division of defendant Pacific Electric Railway Company, described the highway and train traffic existing at the Manchester Avenue crossing; the frequent inspections that had been made of existing conditions and stated that instructions had been issued to trainmen to eliminate unnecessary noise by the use of whistles and gongs at this crossing by restricting the use of audible signals to those which were required to insure safety to the traveling public. Manchester Avenue is a regular stopping point for certain scheduled trains, known as Graham Station, and to obviate unnecessary whistling motormen have been instructed to discontinue answering the proceed signal of conductor by sounding two short blasts of the train whistle.

The traffic conditions at the Manchester Avenue crossing have required such crossing to be protected by an automatic signal and bell, and also by the employment of a human flagman between the hours of 6:00 A.M. and 10:00 P.M. In view of the fact that the volume of highway traffic using this crossing has increased since the date of this Commission's Decision No. 11828 on Case No. 1837, as decided March 23, 1923, we are of the opinion and hereby find as a fact that the safety of the public using said highway requires the continued maintenance of the automatic crossing bell.

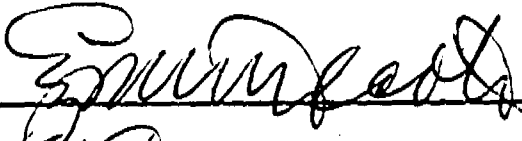
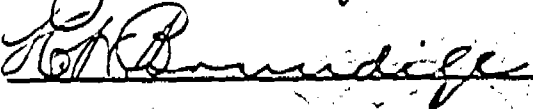
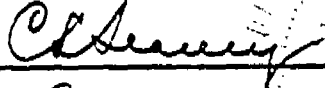
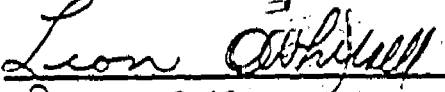

The complaint herein will be dismissed, but it is recommended that operating officials of defendant Pacific Electric Railway Company require frequent checks of operating conditions at Manchester Avenue crossing that the annoyance caused by unnecessary whistling or ringing of train gongs or bells may be reduced to the minimum required by safe train operation.

O R D E R

A public hearing having been held on the above entitled complaint, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED that this complaint be and the same hereby is dismissed.

Dated at San Francisco, California, this 14<sup>th</sup> day of June, 1927.

  
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Commissioners.