

Decision No. 20976

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
NORTHWESTERN PACIFIC RAILROAD COMPANY  
for permission to abolish human flagman  
at the grade crossing in Ross, California,  
where Lagunitas Road crosses the railroad  
tracks of applicant. )  
Application  
No. 14243 )

C. M. Jenks, for Applicant,  
A. J. Dibble, Town Attorney, for Town of Ross,  
Protestant.

BY THE COMMISSION -

O P I N I O N

Northwestern Pacific Railroad Company, a corporation, has petitioned the Railroad Commission for an order authorizing the abandonment of the maintenance of a human flagman at the crossing of Lagunitas Road in the Town of Ross, County of Marin, with the railroad tracks of the applicant.

A public hearing on this application was conducted by Examiner Handford at Ross, the matter was duly submitted and is now ready for decision.

Applicant alleges that since it has installed an automatic flagman at the crossing of Lagunitas Road, the human flagman now on duty from 7:10 A.M. to 11:35 A.M. and from 12:35 P.M. to 6:10 P.M. is no longer necessary; that the traffic over the crossing is comparatively light, as shown by traffic checks submitted in evidence; and that by reason of the automatic flagman in service twenty-four hours a day ample warning is given of the approach of trains.

The Town of Ross protested the granting of the application, on the ground that the view of approaching trains is obstructed by trees and shrubbery growing along and adjacent to the right-of-way and further that trains on the double track frequently meet at this location.

The record shows that the view of approaching trains is seriously obstructed by trees and shrubbery located within private property at the northwest corner of the crossing and also by trees and brush growing on the banks of a creek adjacent to and east of the right-of-way, although the trees and brush on the east side of the railroad have recently been trimmed.

It further appears from the testimony that the most hazardous condition arising at this crossing is the passing of trains on the double track. Although the speed of trains is restricted to ten miles per hour, it is evident that this human flagman considerably augments the protection afforded by the automatic flagman.

We conclude from the record herein that a human flagman should be continued at this location and that this application should be denied.

O R D E R

Northwestern Pacific Railroad Company, a corporation, having made application to abolish the human flagman at the grade crossing of Lagunitas Road, over its tracks in the Town of Ross, Marin County, California, a public hearing having been held, the matter having been duly submitted, the Commission being now fully advised and basing its order on the conclusion as appearing in the foregoing opinion,

IT IS HEREBY ORDERED that the above entitled application be and it is hereby denied.

Dated at San Francisco, California, this 17<sup>th</sup> day of April, 1929.

David L. Curtis  
C. J. Seaver  
Ernest J. Smith  
Leon Whitely  
M. J. C.  
Commissioners.