

Decision No. 20978.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of the CITY OF RICHMOND for per-  
mission to alter Railroad Crossing.)

Application No. 15,157.

Thomas M. Carlson, City Attorney  
of Richmond, for Applicant.  
H. W. Hobbs, for Southern Pacific  
Company.

BY THE COMMISSION:

O P I N I O N

The City of Richmond in the County of Contra Costa, State of California, filed the above entitled application with this Commission on the 25th day of October, 1928, asking for authority to widen and alter a public street known as Twenty-third Street at its intersection with the tracks of the Southern Pacific Railroad Company.

On November 27, 1928, the Commission issued its ex parte order, Decision No. 20,527, granting applicant permission and authority to widen and alter Twenty-third Street at the intersection as described above, subject to certain conditions.

Applicant, on December 21, 1928, stated by letter that a portion of Condition No. 2 of the order above described, which provided for the removal of the human flagman, was not satisfactory to the City of Richmond and requested that the above entitled proceeding be set for hearing.

On January 14, 1929, the Commission issued its order setting aside the prior order and reopening the proceeding for

hearing.

Hearings were held before Examiner Gannon at San Francisco on February 7, 1929, February 23, 1929, and March 8, 1929.

The crossing at the present time is protected by a single wigwag placed in the center of Twenty-third Street northeast of the Southern Pacific tracks and, in addition, by a human flagman on duty during the hours from 6:30 a.m. to 10:30 p.m.

The Commission in its Decision No. 20527 ordered that, at the time of widening and altering the crossing as proposed by applicant, the crossing

"(2) \*\*\*\*\* shall be protected by a Standard No. 1 crossing sign and three automatic wigwags as specified in General Order No. 75 of this Commission, two of said wigwags to be attached to a common standard and to be placed at a point twelve (12) feet south from the center line of the most southerly track on the westerly curb line of Twenty-third Street projected, the banner of one of said wigwags to face travel approaching on Espee Avenue and the banner of the other said wigwag to face travel approaching from the south on Twenty-third Street and the third of said wigwags to be placed in the center of the roadway east of said track at the location designated on Exhibit "B" attached to the application. At such time as the protection above provided is installed and placed in operation, the human flagman now maintained at said crossing shall be removed."

The applicant's objection is directed to only that portion of the order requiring the removal of the human flagman.

Witnesses for applicant stated that a wigwag and a human flagman had been maintained at the crossing of Twenty-third Street for several years and that no accidents had occurred at said crossing during this time. They stated that, in view of this record, they felt the human flagman should not be removed until the protection to be afforded by the three wigwags was proven to be effective.

Witnesses for the Southern Pacific Railroad Company stated that the three wigwags, if installed, would afford uniform and adequate protection during the full twenty-four (24) hour period, that

this type of protection was proper and reasonable, having in view the physical conditions that would exist at this crossing when widened and that the maintenance of a part time human flagman, in addition thereto, would not add to the effectiveness of this protection, but instead would result in a very serious hazard to the flagman himself.

They further stated that the effectiveness of wigwags for the protection of grade crossings had been proven over a period of many years and that an improved type was proposed to be used at this crossing which gives warning of the approach of a second train.

Commission's Service Inspector E. L. Engelhardt, as a result of a study of the conditions at this crossing, testified that in his opinion the three wigwags with the three "Two Train" indicators would provide proper protection for this crossing and that the human flagman should be removed at the time of their installation.

Some criticism of the proposed location of the two wigwags south of the crossing was made by the representatives of the City of Richmond at the hearing on February 7, 1929. It was agreed at that time that representatives of the City of Richmond, Southern Pacific Railroad Company and the Engineering Department of the Railroad Commission should meet at the crossing in order to make a further study. On February 13, 1929, such a study was made and it was decided that instead of placing wigwags of the type and at the locations above described that a No. 3 wigwag should be placed along the easterly curb of Twenty-third Street and a No. 4 wigwag approximately thirty-one (31) feet six (6) inches from the westerly curb line of Twenty-third Street, each at point approximately twelve (12) feet four (4) inches from the center line of the most southerly track and that a No. 4 wigwag should be placed in the center of Twenty-third

Street at a point about twelve (12) feet north of the center line of the most northerly track as shown on Exhibit No. 9, Western Division Drawing R-238, Sheet No. 1.

After careful consideration of the record, it is concluded that this crossing, when widened, should be protected by three wigwags located in the positions shown in Exhibit No. 9, and that the human flagman now maintained at the crossing should be removed at the time said wigwags are installed and placed in operation.

O R D E R

The City of Richmond having applied to the Railroad Commission for authority to widen and alter a public street known as Twenty-third Street at its intersection with the tracks of the Southern Pacific Railroad Company in the City of Richmond, County of Contra Costa, State of California, a public hearing having been held before Examiner Gannon, the Commission being apprised of the facts and the matter being submitted and ready for decision,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the City of Richmond in the County of Contra Costa, State of California, to widen and alter Twenty-third Street at its intersection with the tracks of the Southern Pacific Railroad Company as shown by the map Exhibit "B" attached to the application. Said crossing is to be identified as crossing No. A-14.5.

The crossing shall be widened and altered subject to the following conditions and not otherwise:

(1) The cost of the widening and altering of said crossing shall be borne in accordance with an agreement entered into by inter-

ested parties, certified copy of which shall be filed with this Commission for its approval within ninety (90) days of the date of this order. In the event that the interested parties fail to file said agreement within ninety (90) days as above provided, the Commission shall apportion said costs by supplemental order.

(2) The crossing shall be constructed of the width and at the angle as shown in Exhibit "B" with grades of approach not greater than three (3) per cent; shall be constructed substantially in accordance with Standard No. 3 as specified in General Order No. 72 of this Commission; shall be protected by three (3) automatic wigwags in accordance with type as specified in General Order No. 75 of this Commission and, in addition, each to be equipped with two train indicator signals, to be located as follows: A No. 3 wigwag located along the easterly curb line of Twenty-third Street approximately twelve (12) feet southerly from the center line of the most southerly track; a No. 4 wigwag located in the roadway approximately thirty-one (31) feet easterly from the westerly curb line of Twenty-third Street and twelve (12) feet southerly from the center line of the most southerly track; and a No. 4 wigwag located in the center of Twenty-third Street at a point about twelve (12) feet northerly of the center line of the most northerly track, as shown in Exhibit No. 9 (Western Division Drawing No. R-238, Sheet No.1). At such time as the protection above described is installed and placed in operation, the human flagman now maintained at said crossing shall be removed. Said crossing shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) The cost of constructing and maintaining said automatic crossing protection prescribed above shall be borne by Southern

Pacific Railroad Company.

(4) Applicant shall within thirty (30) days thereafter notify this Commission, in writing, of the completion and widening of said crossing.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission, if, in its judgment, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

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

David L. Smith

Ed. J. [unclear]

[unclear]

M. J. [unclear]  
Commissioners.