

Decision No. 25180.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of SOUTHERN PACIFIC COMPANY for an order authorizing removing of crossing gates at Fourth Street in the City of Santa Ana, State of California.

Application No. 18097.

In the Matter of the Application of The Atchison, Topeka and Santa Fe Railway Company, a Corporation, for permission to remove crossing gates at Fourth Street, in the City of Santa Ana, County of Orange, State of California, and to install in lieu thereof an additional wig wag thereat.

**ORIGINAL**

Application No. 18255.

H. W. Hobbs, for Southern Pacific Company.

H. K. Lockwood, for The Atchison, Topeka and Santa Fe Railway Company.

Clyde C. Downing, for City of Santa Ana, Protestant.

BY THE COMMISSION:

O P I N I O N

Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company filed the above entitled applications requesting authority to abandon and remove the jointly operated crossing gates at the grade crossings of Fourth Street and their respective tracks, in the City of Santa Ana, County of Orange, and to substitute different methods of protecting these crossings.

A public hearing on said applications was conducted by Examiner Hunter at Santa Ana, on September 1, 1932, at which time the matter was duly submitted. It was stipulated by the parties that the two applications be consolidated only for the purpose of taking testimony and that the respective showings should in no way prejudice the granting of the other application.

Fourth Street is one of the main east and west streets of Santa Ana, affording a direct route between the eastern portion of the city, which is largely residential, and the business district to the west of the tracks. It has a total width of eighty (80) feet between property lines and it is paved to a width of fifty-six (56) feet in the vicinity of the crossings.

The tracks of the Southern Pacific Company, consisting of one branch line and one side track, and the tracks of The Atchison, Topeka and Santa Fe Railway Company, consisting of one main line, one industry, one house and one side track (jointly operated with Southern Pacific Company), extend in a general north and south direction at the point of crossing with Fourth Street. Southern Pacific Company's main track of its Santa Ana Branch is located approximately one hundred and sixty (160) feet to the west of the main track of the Santa Fe Railway Company's line to San Diego. The grade crossings of the two railroads are protected by jointly operated, manually controlled crossing gates between the hours of 6:00 A.M. and 10:00 P.M. and, in addition, the Santa Fe crossing has an automatic wigwag. Three of the corner views at the Santa Fe crossing and one of the corner views at the Southern Pacific crossing are obstructed by buildings.

The vehicular traffic passing over the crossings involved is approximately 4500 daily, the great portion of which is local. The lawful speed for vehicles passing over said crossings is, by the terms of Section 113 of the California Vehicle Act, limited to fifteen miles per hour. The Southern Pacific rail traffic across Fourth Street consists normally of two freight trains and approximately eight switching movements daily, while the Santa Fe train movements consist of eight regular passenger trains, four freight trains and approximately twenty-five switching movements daily.

The speed of all trains at said crossings is comparatively slow, that is, not in excess of fifteen to twenty miles per hour.

Southern Pacific Company requests authority to remove the crossing gates with the understanding that all train movements over the crossing will be required to stop and a member of the train crew act as flagman, for the protection of the highway traffic, until such time as train movements increase to the point where the expense of installing automatic protection would be justified. The Atchison, Topeka and Santa Fe Railway Company requests authority to remove the crossing gates and to install one additional Standard No. 3 wigwag with track circuits of the latest design to include time element relays to prevent excessive operation of such protection. The Santa Fe plan provides that the automatic protective devices will function for main line operation only and that all other train movements will be required to stop and the highway traffic be protected by a member of the train crew acting as flagman. The cost of maintaining the crossing gates, which is borne equally by both railroad companies, is approximately \$2,000 annually. The cost of installing automatic protection for the Southern Pacific crossing is estimated at approximately \$3,600, while the cost of providing a second wigwag at the Santa Fe crossing is estimated at approximately \$1,500.

The railroads allege that the request to remove said gates is based upon the fact that manually operated crossing gates are not in keeping with modern methods of protecting grade crossings and is on the decrease throughout the United States; that the proposed plan of protecting said crossings will be superior, inasmuch as the proposed plan will provide 24-hour protection while at present the crossing gates are operated only sixteen hours and are inoperative during hours when several train movements are occurring at the crossings; that the proposed plan will be more economical to operate and that it is imperative that the companies effect all

reasonable economies in operation during this so-called depression period.

Southern Pacific Company's Exhibit No. 2 shows that during the five-year period, 1925 to 1930 inclusive, the number of manually operated gate protected crossings in the United States decreased about 21 per cent, whereas the number of crossings protected by automatic signals during this time has increased nearly 100%.

The Atchison, Topeka and Santa Fe Railway Company's Exhibit No. 2 shows that for sixteen gate installations on its Coast Lines, the gate arms were broken by contact with vehicles seventy-four times during 1931, or an average of 4.6 breakages per gate per year, resulting in an average total time each gate installation was out of service during the year, due to breakage, of 29 hours and 16 minutes. Santa Fe's Exhibit No. 3 shows that for 593 wigwag installations on its Coast Lines, 16 failures occurred during 1931 which caused wigwags to operate when no trains were approaching and 22 failures which caused wigwags not to ring when trains were approaching or might have been approaching, resulting in average time of seven minutes and 45 seconds out of order per year per wigwag. The contention of the Santa Fe's representative was that, as a result of this experience, it was his opinion that the wigwag showed greater reliability than the crossing gate.

The City of Santa Ana, the East Santa Ana Improvement Association and certain individuals protested the removal of the gates on the grounds that the present protection was adequate and satisfactory and that the wigwags were not, in their opinion, as satisfactory as the crossing gates.

As a fundamental principle in prescribing grade crossing protection, first consideration should be given to the most effective and economical means of reducing hazard. In considering the

grade crossing problem at any particular crossing, we must not lose sight of the entire grade crossing situation in this State. It is not in the public interest to require the retention of an expensive type of protection at a few crossings, which may have the effect of deferring needed protection at other crossings equally deserving of some type of signal, as it must be recognized that the money available for grade crossing protection should be spent where it will perform the greatest public service.

There can be no question that the ideal solution of removing hazards and delay at grade crossings is by means of grade separations; however, that treatment requires the expenditure of considerable amounts of money. The Commission, by its Decision No. 22299, dated April 7, 1930, in Application No. 15748, granted authority for a partial grade separation at this particular location, which the City has not exercised. The highway traffic crossing the tracks at this location should be afforded reasonable advance warning of an approaching train and when such warning has been given, it is incumbent upon the driver of a vehicle to do his part in the way of recognizing this signal; in fact Section 114 of the California Vehicle Act specifically provides that it shall be unlawful for a motorist to cross railroad tracks without first coming to a complete stop when a signal is being displayed at a grade crossing indicating the immediate approach of a train.

The record appears to justify the conclusion that automatic signals will provide reasonable and adequate protection at this location for main line movements of The Atchison, Topeka and Santa Fe Railway Company. It might be desirable to locate such signals in the center of the street at this crossing inasmuch as the roadway is of sufficient width to permit of center-of-the-street installa-

tion, as prescribed by this Commission's General Order No. 75, and the speed of the vehicular and train traffic at the crossings is comparatively slow, such an installation should not present any material hazard, such as may result from motorists colliding with the signal. To permit of installing a signal in the street would require the consent of the City of Santa Ana and since the city is desirous of having the most effective type of signal installed at this location, it would doubtless give its consent to such an installation. However, we will leave the order open pending the securing of the necessary permission from the city.

The record shows that a number of train movements over these crossings occur during night hours on tracks other than the main line track, which movements will be protected by a member of the train crew acting as flagman. Inasmuch as the trainman acting as flagman usually proceeds with his train after the head end of same has passed over the crossing, it would appear desirable to provide flood lights in addition to the street lights at these crossings, which would illuminate the train during night hours, especially during times when the view is impaired by fog.

After carefully considering all of the evidence in this proceeding, it is concluded that applicants' request to abandon and remove the crossing gates at these crossings is reasonable, provided suitable automatic signals are installed for the protection of movements on the Santa Fe Main Line and all other train movements over this crossing are afforded the protection of flood lights as well as bringing all such movements to a stop and traffic on highway be protected by a member of the train crew acting as flagman.

#### O R D E R

Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company having filed the above entitled application, a

public hearing having been held and the Commission being fully apprised of the facts,

IT IS HEREBY ORDERED that Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company be and they are hereby authorized to abandon and remove the jointly operated crossing gates at the grade crossings of Fourth Street and the tracks of their respective companies (Crossings Nos. BK-517.0 and 2-175.4, respectively), in the City of Santa Ana, County of Orange, subject to the following conditions:

- (1) The crossing of The Atchison, Topeka and Santa Fe Railway Company (Crossing No. 2-175.4), shall be protected by automatic signals and flood lights, in accordance with a plan to be approved by this Commission, which plan shall be made effective coincident with the removal of said gates.
- (2) The crossing of the Southern Pacific Company (Crossing No. BK-517.0), shall be protected by flood lights, in accordance with a plan to be approved by this Commission, which plan shall be made effective coincident with the removal of the gates.
- (3) No train, engine, motor or car shall be operated over said crossings on the tracks of the Southern Pacific Company or on the tracks of The Atchison, Topeka and Santa Fe Railway Company, except the Santa Fe Main Line track, unless said train, engine, motor or car shall be first brought to a stop and traffic on the highway protected by a member of the train crew, or other competent employe, acting as flagman.
- (4) Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the removal of said gates and the completion of the installation of said protection and of their compliance with the conditions hereof.
- (5) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.
- (6) The Commission reserves the right to make such further orders relative to the protection of said crossings 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  
twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 19th  
day of September, 1932.

C. C. Janney  
Leon Whitney  
W. A. Cunniff  
M. B. Harris  
Fred G. Stewart  
Commissioners.