

Decision No. 25508

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
LOS ANGELES & SALT LAKE RAILROAD )  
COMPANY, a corporation, for authority ) APPLICATION NO. 18454  
to substitute automatic crossing pro- )  
tection in lieu of crossing gates, )  
Magnolia Avenue, Riverside, California. )

E. E. Bennett and E. C. Renwick,  
for Applicant.

Eugene Best, for City of Riverside,  
Protestant.

G. Lohrli, for Magnolia Center  
Association, Protestant.

BY THE COMMISSION.

OPINION

**ORIGINAL**

The Los Angeles & Salt Lake Railroad Company filed the above entitled application requesting authority to abandon and remove the manually operated crossing gates at the grade crossing of Magnolia Avenue (Crossing No. 3-55.2) in the City of Riverside, County of Riverside, and to substitute automatic protective devices in lieu thereof.

A public hearing on said application was conducted by Examiner Kennedy at Riverside, on November 15, 1932, at which time the matter was duly submitted.

Magnolia Avenue, paved to a width of approximately eighty (80) feet between curbs, is the main route between Riverside and Santa Ana via Santa Ana Canyon. The Pacific Electric Railway Company has a double-track, electric line constructed in the center of Magnolia Avenue at its point of crossing with the single-track line of the Los Angeles & Salt Lake Railroad Company.

The vehicular traffic passing over the crossing involved is approximately 8,500 daily. The lawful speed for vehicles passing over said crossing is, by the terms of Section 113 of the California Vehicle Act, limited to fifteen miles per hour. The rail traffic consists of six passenger trains, six through freight trains and one local freight train daily. The speed limit for all trains at said crossing is thirty miles per hour.

Applicant proposes to abandon and remove the manually operated crossing gates at this crossing and to substitute in lieu thereof automatic protective devices which shall be either of the wigwag or flashing light type. The record shows that a plan is under consideration to eliminate the manually operated interlocking plant at this location, the operator of which operates the crossing gates, and to substitute an automatic interlocker.

Applicant estimates that a net saving of \$1,000 annually would be effected by the elimination of the gates and the substitution of automatic protective devices, even though the manually operated interlocker were retained, and a net saving of \$6,700 annually if automatic interlocking were substituted for the manually operated interlocker.

The request to remove said gates is based upon the contention that manually operated crossing gates are not in keeping with modern methods of protecting grade crossings; that this type of protection is on the decrease throughout the United States; that the proposed plan of protecting the crossing will be more economical to operate and that it is imperative that the Company now effect all reasonable economies in operation.

Applicant's Exhibit No. 1 shows that during the five-year period, 1925-1930, 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 increased nearly 100 per cent.

The record shows that during the annual period ending November 14, 1932, the crossing gates at this location were broken twenty-three times. It is apparent that each time the crossing gate arms are broken, the protection at the crossing is reduced until such time as repairs are made. It was shown that the cost of repairing the broken gate arms during said period was \$424.

The City of Riverside and the Magnolia Center Association protested the removal of the gates, on the ground that the present protection is adequate and would be satisfactory if more efficient lights were placed on the gate arms, and that 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 money. The highway traffic crossing the track 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.

It appears from the physical conditions at this crossing, together with the objections the City of Riverside had to the installation of wigwags in lieu of the crossing gates, that a signal of the "flashing light-rotating stop banner" type would be most satisfactory for installation at this location.

After carefully considering all of the evidence in this proceeding, it is concluded that applicant's request to abandon and remove the crossing gates at this crossing is reasonable, provided suitable automatic signals are installed.

#### ORDER

The Los Angeles & Salt Lake Railroad 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 the Los Angeles & Salt Lake Railroad Company be, and it is, hereby authorized to abandon and remove the manually operated crossing gates at the grade crossing of Magnolia Avenue and its main line track (Crossing No. 3-55.2) in the City of Riverside, County of Riverside, subject to the following conditions:

- (1) Applicant shall install and maintain two flashing light-rotating stop banner signals, for the protection of said crossing.
- (2) Applicant 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 its compliance with the conditions hereof.

- (3) 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.
- (4) The Commission reserves the right to make such further orders relative to the protection of said crossing as to it may appear right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

The authorization herein granted shall become effective twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 31st day of December, 1932.

Cl. Leary  
Leon Seidman  
W. A. Carr  
M. B. Davis  
Frank G. Stewart  
Commissioners.