

Decision No. 11418.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

City of Reedley, a municipal corporation,

Complainant,

vs.

The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company.

Defendants,

Case No. 1683

C. W. Tackaberry for Complainant,
J. W. Walker for The Atchison, Topeka and Santa Fe Railway Company
Frank B. Austin for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

This is a proceeding in which the City of Reedley complains that there is inadequate protection at various crossings of streets over The Atchison, Topeka and Santa Fe Railway and Southern Pacific Company in the City of Reedley and asks that these two railroads be required to install signal devices for the protection of the people using the various crossings.

A public hearing was held on this complaint before Examiner Satterwhite, at Reedley, December 21, 1921.

The public crossings in the City of Reedley over both the tracks of The Atchison, Topeka and Santa Fe Railway and Southern Pacific Company are cited in this complaint, but North Avenue and Twelfth Street which cross the Santa Fe only are not mentioned in the complaint.

Both railroads pass through the City of Reedley from the northwest to the southeast. They are approximately parallel to each other and two hundred (200) feet apart. The streets are parallel to or at right angles with the railroads with the exception of avenues known as North, South, East and West, which are located near the boundaries of the city in the direction designated by their names and are parallel to section lines. The streets open across the railroads are as follows, named in their order from northwest to southeast: West Avenue across both railroads; North Avenue across the Santa Fe; Eighth Street, Tenth Street and Eleventh Street across both railroads; Twelfth Street across the Santa Fe only; Thirteenth Street and South Avenue across both railroads. All of these crossings are complained of in this proceeding with the exception of North Avenue and Twelfth Street. The conditions at each crossing covered by the complaint as well as the crossing of North Avenue will now be briefly described:

WEST AVENUE and NORTH AVENUE should be considered together.

West Avenue is a north and south connecting link between two portions of the County Highway system and is the principal entrance to Reedley from the north. North Avenue terminates at West Avenue between the Santa Fe and Southern Pacific. Thus North Avenue crosses the Santa Fe only. Traffic from the north to the business section of Reedley which is located on "G" Street situated one block northeasterly of and parallel to the railroads, moves by West Avenue, North Avenue and "G" Street. Formerly this traffic moved over a dirt roadway on the Santa Fe's right-of-way immediately northeast of the railroad connecting West Avenue and North Avenue without crossing the main track of the Santa Fe. Both North

and West Avenue, however, have recently been paved, this paving being over the official routes of the streets so that the traffic, to follow the pavement, must cross the Santa Fe twice, making a right angle turn at the intersection of North Avenue and West Avenue between the two railroads. The view of approaching trains from the north at the West Avenue crossing is obscured on both railroads by a packing house located between the railroads and west of the street. West Avenue crosses three tracks of the Santa Fe and one track of the Southern Pacific, while North Avenue crosses the three tracks of the Santa Fe only. The Santa Fe has installed an automatic flagman for the protection of West Avenue across its tracks. The Southern Pacific crossing has no special protection although the view is obstructed and the highway traffic is very heavy.

The EIGHTH STREET crossing is primarily used as a means of access to packing houses located between the railroads and adjacent to Eighth Street. It also carries some of the normal cross-town traffic. The view at this crossing is seriously obstructed by these packing houses. This street is across five tracks of the Santa Fe and three tracks of the Southern Pacific. There is no special protection on either railroad.

TENTH STREET is one of the centrally located and relatively important cross streets of the city. The view of trains on this street is also seriously obstructed by packing houses and a lumber yard. This street crosses three tracks of the Santa Fe and five tracks of the Southern Pacific. The crossing over the main line of the Santa Fe is protected by an automatic crossing bell of clapper type. The Southern Pacific crossing has no special protection.

ELEVENTH STREET is the principal cross street of Reedley, and has the heaviest vehicular traffic over any of the railroad crossings herein involved. It connects with West Avenue to the southeast and constitutes the principal means of access to the city

from the south. This street crosses two tracks of the Santa Fe of which the main line is protected by a gong type crossing bell. Eleventh Street also crosses four tracks of the Southern Pacific but no special protection is installed. Both Tenth and Eleventh Streets have been paved for some time. The view at Eleventh Street is not seriously obstructed, the Southern Pacific passenger station, which is located adjacent to this crossing, constituting the principal obstruction to view.

THIRTEENTH STREET is across three tracks of the Santa Fe, the main line of which is protected by a crossing bell, and across four tracks of the Southern Pacific where no special protection is provided. The view at this crossing is partially obstructed by industrial buildings, served by the two railroad tracks.

SOUTH AVENUE is across the main line only of each railroad. Although used to some extent for general east and west traffic, its principal use is for the hauling of fruit to a large cannery located adjacent to this street and between the two railroads. The view to the southeast is seriously obstructed by this cannery. In addition to the obstruction to view, due to buildings and industries indicated above, there is always a likelihood of cars being stored on other than the main line tracks near the various crossings under which condition the view may be much more seriously obstructed. No special protection is provided by either railroad at this street.

The population of Reedley as given in the Federal Census was twenty-four hundred forty-seven (2447) in 1920 and the population is now estimated to be three thousand (3000), approximately half of which reside on each side of the railroads. Grammar schools are located on each side of the tracks, but the grammar school

districts are divided in such a manner that the railroads do not constitute the dividing line between the two districts. There is a union high school located at the southwesterly corner of the city, the district for which includes a considerable amount of territory on all sides of Reedley.

There are five regular passenger trains on the Southern Pacific, four of which stop at Reedley. The freight traffic varies from four trains to eight trains per day in the busy season, most of which is in the day time. Many of these freight trains, particularly in the busy season, do a considerable amount of switching in Reedley. Occasionally freight trains pass through the city without stopping.

The Santa Fe has eight regular passenger trains all of which stop at Reedley. There are in addition, four mixed trains, four local freight trains and, in the busy season, usually four extra freight trains per day. Practically all of these trains stop and the freight trains usually are switching about ten hours out of twenty-four.

The city has subsequent to the hearing, but according to stipulation, taken and submitted traffic counts, the results of which are shown in the following table:

Tabulation of Traffic Counts Taken at Various Grade Crossings
in the City of Reedley on Saturday, May 20, 1922.
For Eighteen Hours between 6 A.M. and Midnight.

<u>Classification</u>	<u>Location</u>					
	<u>West Ave.</u>	<u>8th St.</u>	<u>10th St.</u>	<u>11th St.</u>	<u>13th St.</u>	<u>South St.</u>
Autos	1864	155	707	2110	342	294
Trucks	154	15	56	140	62	43
Horsedrawn	15	7	28	19	21	2
Motorcycle	29	6	5	13	107	5
Bicycle	61	22	58	200	110	-
Pedestrian	110	78	508	1255	520	36
Totals	2233	283	1362	3737	1162	380

The traffic counts definitely show that the volume of travel in this community has not yet reached the magnitude that would justify a large expense incident to the separation of grades, particularly since the flat topography of the city is unfavorable for such separation. Due to the peculiar situation of having the railroads far enough apart for the convenient location of industries between them it has developed that the location of these very industries makes it impracticable to close any of the existing crossings with the exception of possibly North Avenue. It appears that the city proposes sometime to extend "G" Street, the principal business street of the city, northwesterly to its intersection with West Avenue and when this is done the need of the North Avenue crossing over the Santa Fe will entirely disappear. This improvement should be made at an early date.

The traffic count shows that Eleventh Street carries the greatest traffic of any street crossing the tracks in Reedley and the amount of traffic at this street appears to clearly justify additional protection. Representatives of both railroads testified that if

it were determined that additional protection were needed at any of the streets this additional protection could be satisfactorily given by the installation of automatic flagman connected to track circuits on main lines only. Although the installation of automatic flagmen to protect streets across tracks in station yards is not without its disadvantage, it appears that the Eleventh Street crossing has so few tracks that this type of protection should be reasonably satisfactory and it will therefore be required at this location.

The Tenth Street crossing is also an important crossing, the traffic being of such a volume that serious consideration should be given to the providing of additional protection. The track situation is somewhat more complicated at this street and it must be admitted that the installation of an automatic flagman will not accord entire adequate protection. It is proposed that ultimately it will be necessary to maintain a human flagman at this street during the rush hours of the busy season of the year but pending the time that this more adequate protection can be justified, we are convinced that such protection as an automatic flagman will afford should be given at the crossing of each of the railroads over Tenth Street.

The traffic at the Eighth Street, Thirteenth Street and South Avenue crossings, when taken in consideration with other conditions, does not appear to justify additional protection at this time.

As has been noted above, West Avenue crossing over the Santa Fe is already protected by an automatic flagman which at this location appears to be quite adequate. The Southern Pacific tracks, however, should have approximately the same protection and track conditions at this location are such that an automatic flagman will be quite effective and should be installed.

Neither railroad thought that additional protection was necessary for the various crossings at Reedley, but both railroads took the position that if additional protection were found necessary the City of Reedley should be called upon to bear at least a portion of the expense. They pointed out that communities generally undertake to provide protection to traffic upon the streets and that it was only fair that they should participate in this duty when the streets cross the railroad. Although this theory has not generally been accepted by the Commission there is another factor which in this instance should be taken into consideration. It was shown that the traffic in the City of Reedley could be handled over West Street and the two centrally located streets of the city; namely, Tenth and Eleventh Streets, inasmuch as this traffic was actually being handled for a considerable period while the streets leading to the other crossings were being improved. The very fact that the city has encouraged the division of traffic from the two principal crossings of the city to others, indicated that this act places a certain portion of the responsibility of protecting these other crossings upon the city. It therefore appears that although the protection of Tenth, Eleventh Street and West Avenue should be assessed entirely to the railroad, the protection at other crossings, when the same is justified, probably should be shared by the city.

O R D E R

A public hearing having been held in the above entitled matter, the Commission being apprised of the facts and the matter being submitted and ready for decision,

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company shall at it's sole cost and expense install and maintain an automatic flagman for the protection of the crossings over it's tracks with each of the following streets, in the City of

Reedley; namely, Tenth and Eleventh Streets. Said automatic flagman should be of a type and installed in accordance with the plans and data approved by the Commission. The installation of said automatic flagman shall be made within ninety (90) days from the date of this order and the Commission shall be notified, in writing, of the completion of such installation of said automatic flagman within thirty (30) days thereafter and

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company shall, at its sole expense, install and maintain an automatic flagman for the protection of the crossing of its tracks with each of the following streets in the City of Reedley; namely, West Avenue Tenth Street, and Eleventh Street; said automatic flagmen shall be of a type and installed in accordance with plans and data approved by the Commission. The installation of said automatic flagmen shall be made within ninety (90) days from the date of this order and the Commission shall be notified in writing of the completion of the installation of said automatic flagmen within thirty (30) days thereafter.

Dated at San Francisco, California, this 29th day of December 1922.

H. B. Brundage

Waring Martin

J. F. Penner

Commissioners.