

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 3476

ORIGINAL

In the matter of the application of)
PACIFIC ELECTRIC RAILWAY COMPANY for)
permission to construct its tracks at)
grade across the tracks of Southern)
Pacific Company, on Ninth Street, in)
the City of Colton, San Bernardino)
County, California.)
.....)

Application No. 330.

Frank Karr for Pacific Electric Railway Company

Geo. D. Squires for Southern Pacific Company

GORDON, Commissioner,

O P I N I O N.

This application was filed with the Commission on December 23, 1912. Accompanying it was a letter from Southern Pacific Company stating that Company was agreeable to the crossing being made "subject to crossing agreement of the usual nature being entered into between parties interested which shall provide for necessary protection ^{to} /trains and traffic." A copy of this agreement, which was dated April 29, 1913, was later sent to the Commission and on October 8, 1913, an ex parte order was issued which referred to the agreement entered into by the Southern Pacific Company, the Salt Lake Company, which operates over part of the Southern Pacific Company's tracks, and the applicant and which granted permission for the crossing to be made. The agreement between the Southern Pacific Company and the applicant provided that an interlocking plant should be immediately erected by the Pacific Electric for the protection of this crossing and the ex parte order of the Commission (Decision No. 1000) contained a provision that applicant should, one year from the date of that order, construct and install such an interlocking plant. This provision in the order was never complied with and on May 29, 1916, the Commission ordered the applicant to show why it had not been done. It is fair to state, however, that the applicant was then, and had been for some

time past, negotiating with the Southern Pacific Company in an effort to arrive at an agreement with that Company to ask the Commission to modify that part of the order requiring ^{an} interlocking plant to be installed and that the Commission was aware of this fact.

The hearing on the order to show cause was held on June 12th. It appears that the clause in the agreement between the Southern Pacific Company and the applicant requiring the installation of an interlocking plant had been inserted in the agreement in accordance with the usual form of crossing contract, without a thorough investigation of the conditions obtaining at this particular crossing, and that neither Company now desires an interlocking plant at this point.

About a year ago our engineering department made an inspection of this crossing and I quote the following from the report of that investigation:

"While it is not impracticable to construct an interlocking plant at this point, any interlocking plant, to adequately protect trains moving through it at a speed of 10 miles per hour or greater, would necessarily have its fouling points a considerable distance from the intersection of the tracks. This would mean, then, that a train or car on the Pacific Electric and an approaching train on the Salt Lake would stop all switching in the Southern Pacific yards for several hundred feet on both sides of the crossing. It would also mean that it would be difficult, and would necessitate a complicated interlocking device, to permit more than one train to be drawn up to the station at one time.

"This station, it should be remarked, is a joint station used by all three interested roads, and many passengers transfer here from the Salt Lake and the Pacific Electric to points on the Southern Pacific and vice versa."

Our engineers arrived at the conclusion that the operation of this crossing would be safe as long as the provision in the ex parte order, requiring all trains to stop before proceeding over the crossing, was carried out and that in view of the conditions set forth in the quotation above it would cause the railroad companies considerable unnecessary hardship to require the installation of a full interlocking plant.

The Pacific Electric Railway Company crosses the tracks of Southern Pacific Company on Ninth Street. East of the street is a water tank and immediately west of the street is the

Colton Station of the Southern Pacific. On account of the tank and the station all Southern Pacific trains would pass over Ninth Street and the track of the Pacific Electric at very slow speed even if they were not required to do so, and the representatives of the Southern Pacific Company wish permission to operate in this manner over the crossing and thus obviate the necessity of two stops; one at the crossing and one at the station or the water tank.

After a review of our file in this matter and the testimony of witnesses at the hearing, I am satisfied that the Commission should modify its order to the extent of omitting the provision which requires the installation of an interlocking plant. I believe, however, that safe operation requires that all trains of both the Southern Pacific and Pacific Electric should come to a full stop before passing over the track intersections. Southern Pacific Company is making plans for a device which, the Company thinks, can be cheaply installed and will afford ample protection without the necessity of safety stops. Before this can be installed it will be necessary, of course, for the permission of the Commission to be secured.

I believe the ex parte order (Decision 1000) previously made in this matter should be set aside and a new order entered.

I recommend the following form of order:

SUPPLEMENTAL ORDER

PACIFIC ELECTRIC RAILWAY COMPANY, having applied to the Commission for permission to construct its tracks at grade across the tracks of Southern Pacific Company on Ninth Street, in the City of Colton, San Bernardino County, California, and this permission having been granted by the Commission on October 8, 1913, and a public hearing having been thereafter held by which it appeared that the previous order made in this matter should be set aside and a new order entered,

IT IS HEREBY ORDERED, that the previous order made in this matter (Decision 1000) be and the same is hereby annulled.

IT IS HEREBY FURTHER ORDERED, That permission be hereby granted Pacific Electric Railway Company to construct its main line track at grade across the tracks of Southern Pacific Company on Ninth Street, between "K" Street and "J" Street, in the City of Colton, San Bernardino County, California, as shown by the maps and profiles attached to the application, and subject to the following conditions, viz.:-

(1) The entire expense of constructing the crossing, together with the cost of maintenance thereafter in good and first-class condition shall be borne by applicant.

(2) All overhead wires or obstructions constructed above the crossing shall have a clearance above the rails of either Company of twenty-two (22) feet. All pole lines, and other ~~side~~ obstructions, shall have a clearance from the center line of the tracks of either Company of eight (8) feet; and shall in all other manners conform to the Commission's General Order No. 26.

(3) Until further orders of the Commission, all engines, motors, trains and cars of both applicant and Southern Pacific Company shall come to a full stop before passing over the crossing and within fifty (50) feet thereof, and shall not pass over the crossing until the conductor or other employee has first gone thereon and ascertained that no engine, motor, train or car is approaching the crossing from either direction. Should no engine, motor, train or car be approaching, then said conductor or other employee may signal and permit his engine, motor, train or car to proceed over the crossing.

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

(5) The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 30th day of June, 1916.

Max Thelen

H. Bourneaud

W. G. Gordon

Edwin C. Edgerton

Commissioners.