

Decision No. 41832.

ORIGINAL

Decision No. \_\_\_\_\_.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

TOWN OF LIVERMORE,  
Complainant,

vs.

THE WESTERN PACIFIC RAILROAD  
COMPANY,  
Defendant.

Case No. 1142.

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W. J. Locke for Complainant.  
R. W. MacDonald for Western  
Pacific Company.

GORDON, Commissioner.

O P I N I O N.

In this complaint the City of Livermore alleges that the protection installed at the crossing of the Western Pacific Railroad Company's track with Livermore Avenue does not afford ample protection, and asks the Commission to order the installation of an automatic flagman. The Railroad Company denied the need of further protection and a public hearing was held in Livermore on October 19th.

Livermore avenue is a north and south street intersecting the tracks of the Western Pacific Railroad, which are located on Oak, an east and west street. The crossing is now protected by two bells, one on the southeast corner and one on the northeast corner. The view at each of the four corners is more or less obstructed by houses and by trees along the curb line. The street is heavily travelled, especially by four and six-horse teams, and the crossing is so situated that the driver of a long team cannot see approaching trains until after his

leading team is on the track.

It is very apparent that in a situation such as this ample means of protection should be afforded. The several witnesses who were sworn were almost unanimous in their testimony that when a strong wind was blowing from certain directions the sound of the bells was inaudible and that occasionally they were inaudible above the noise of a blacksmith's shop located close to the crossing. At least one accident has taken place on the crossing and several have been narrowly averted.

Automatic flagmen are not an expensive means of protection and I believe the two bells in this instance should be replaced by a flagman. It should be installed in the most conspicuous location, that is, in the center of the travelled highway; and to make the crossing more safe, the trees on the street corners should be trimmed or removed. The City is willing to do this, so it will not be required in the following order which I recommend.

#### O R D E R.

TOWN OF LIVERMORE having asked the Commission to order the installation of an automatic flagman at the crossing of the Western Pacific Railroad Company with Livermore Avenue, and it appearing that such protection should be installed;

IT IS HEREBY ORDERED, That the Western Pacific Railroad Company shall, <sup>within</sup> six months from the date of this order, install a first-class automatic flagman, electrically lighted, adjacent to its track, in the center of Livermore Avenue.

IT IS HEREBY FURTHER ORDERED, That the Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection

of this crossing as to it may seem right and proper.

Dated at San Francisco, California, this 13th day  
of November, 1917.

Max Theles

H. H. Howard

Alex Gordon

Edwin O. Edgerton

Frank R. Hobbs

Commissioners.