

ORIGINAL

Decision No. 5610.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

THE COUNTY OF KINGS,

Plaintiff.

vs.

THE SOUTHERN PACIFIC RAIL-  
ROAD COMPANY, a corporation.

Defendant.

CASE NO. 1234.

R. Justin Miller for the County  
of Kings, Plaintiff.

George D. Squires for the Southern  
Pacific Railroad Company,  
a corporation, Defendant.

GORDON, Commissioner.

O P I N I O N

This application was filed with the Commission on June 4, 1918, and a public hearing was held thereon at Hanford, on July 22, 1918.

Complainant herein alleges that certain highway grade crossings over the tracks of the Southern Pacific Company are dangerous to the public who are forced to use them, and requests that an order be issued by the Commission directing the defendant to install and maintain protective devices, or a human flagman, at each crossing.

In answer to the complaint, the Southern Pacific Company filed an answer in which it states that, in its judgment, no protection

is necessary at either of the first two crossings mentioned in the application and that, at the third crossing, it has made arrangements to install an automatic flagman as soon as material can be secured. The crossings mentioned in the application are as follows:

I.

Crossing of Lake Street with the Southern Pacific railroad in the unincorporated Town of Armona.

II.

The crossing of the State Highway with the Southern Pacific railroad at a point about one-half ( $\frac{1}{2}$ ) mile east of Hanford.

III.

The crossing of the Kings County Highway with the Southern Pacific railroad at the west line of the city limits of the City of Hanford.

Crossing in the Town of Armona is a north and south County Highway, known locally as Lake Street. This crossing is over the main line and four (4) other tracks. When approaching the crossing from the south the view is badly obstructed by a lumber yard and a packing plant on the right of way. The tracks at this point are often filled with cars during the packing season, which is also the time of the year when the Highway is most used, and this increases the hazard to a large extent. When approaching the crossing from the north the view is less obstructed, but an open view of the main line to the west cannot be obtained until about twenty (20) feet from the railroad. Several fatal accidents have occurred at this point and some protection should undoubtedly be provided during the packing season, when the view is obstructed by cars in the yards.

and switching movements are a daily occurrence.

The crossing of the State Highway with the Southern Pacific tracks, one-half mile east of Hanford, is made at an angle of about eleven degrees. This slight angle is a feature which makes this crossing dangerous, for, while the view is open for about seven hundred feet from the crossing on each side, the drivers of vehicles are forced to look almost directly to the rear to make sure that trains are not approaching from behind. This highway is heavily used and often the driver's attention must be focused upon approaching vehicles, which makes it dangerous to look to the rear. It would appear that to a certain extent the danger at this crossing is caused by the disregard of the hazard attached to it by the drivers of vehicles but, as two fatal accidents have occurred here and the County is willing to assume a portion of the expense of installing an automatic flagman, it is our opinion that this protection should be installed.

The third crossing is located on the County Highway on the west line of the city limits of the City of Hanford and is over the main line, one siding and a spur track of the Southern Pacific Company. The view at this crossing is badly obstructed on three corners until the right of way line is reached. The traffic over this crossing is heavy and train movements are frequent. No question was raised as to the advisability of leaving this crossing unprotected. The County, prior to the hearing, had agreed to pay one-half of the cost of an automatic flagman at its installation at this point, and arrangements have been made by the Southern Pacific Company for the installation as soon as the necessary material can be obtained.

I recommend the following form of order:

ORDER

THE COUNTY OF KINGS, having made application to the Commission for an order directing that protection be installed at three crossings in Kings County, California, as herein described, and as shown on the map attached to the application; and a public hearing having been held and the Commission believing that certain protection should be installed, maintained and operated at these crossings;

IT IS HEREBY ORDERED, That the Southern Pacific Company be and the same hereby is ordered to install, use, maintain and operate certain safety devices, or human flagmen, at each of the crossings mentioned in the application, subject to the following conditions:

(1) The Southern Pacific Company shall install and maintain a human flagman at the crossing of Lake Street with the Southern Pacific Company's tracks in the Town of Armona; said flagman to protect the crossing between the hours of 7:00 A. M. and 7:00 P. M. during the period between June 1 and December 31, of each year.

(2) The Southern Pacific Company shall install, operate and maintain an automatic flagman at the crossing of the State Highway with the tracks of the Southern Pacific Company at a point about one-half mile east of the City of Hanford.

(3) The Southern Pacific Company shall install, operate and maintain an automatic flagman at the crossing of the County Highway with the tracks of the Southern Pacific Company at the west line of the city limits of the City of Hanford.

(4) One-half of the cost of the above mentioned automatic flagmen and the cost of the installation thereof shall be borne by the County of Kings.

(5) The Commission reserves the right to make such further orders in regard to this matter as to it may seem right and proper, if, in its judgment, the public convenience and necessity demand such action.

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 26<sup>th</sup> day  
of July, 1918.

Edwin O. Edgerton  
H. D. ...  
...

Commissioners.