

ORIGINAL

Decision No. 7585

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment
of Crossing Gates at the Santa Fe
Crossing, Pasadena Avenue and Avenue
Sixty-one, Los Angeles.

Case No. 1439.

M. W. Reed, for Atchison, Topeka and Santa Fe
Railway Company;
D. M. Cuthbert, for Highland Park Chamber of
Commerce;
F. A. Lorentz, for Board of Public Utilities
of the City of Los Angeles.

O P I N I O N

BRUNDIGE, Commissioner.

This is a proceeding instituted by the Commission, on its own initiative, when it became evident that adjustment of an informal complaint (No. 13810) could not be made informally. This complaint, filed October 5, 1917, by Highland Park Chamber of Commerce, drew attention to several accidents at the grade crossing of the tracks of Atchison, Topeka and Santa Fe Railway Company and Pasadena Avenue, at Avenue 61, Los Angeles, and asked the Commission to order the installation of crossing gates as additional and necessary protection to the public. The railway objected to the installation of gates. Thereafter the United States Railroad Administration assumed control of the railway and, although negotiations by conference and correspondence

were carried on with representatives of the railway, the United States Railway Administration, the City of Los Angeles, and the applicant, the matter remained unsettled.

Following a fatal accident at this crossing, the complainant, on November 16, 1918, renewed its informal complaint. The Commission's engineering department investigated the matter, worked out a location of the gates located on "islands" in Pasadena Avenue, as shown in red on Railroad Commission's Exhibit "A," and the Commission, on March 3, 1919, informally directed the railway to install the gates. The railway obtained a permit from the Board of Public Works to locate the gates according to this plan and ordered the special gate mechanisms necessary for the long gate arms. Due to delay in installation, because of non-receipt of the mechanisms, the Commission, on June 4, 1919, directed that human flagmen be assigned to this crossing, in addition to the two automatic flagmen already in service.

A further delay occurred, however, when the Board of Public Works, of the City of Los Angeles, having jurisdiction over the streets of the city, refused permission to the installation as proposed and, in order to satisfy the objections of the city authorities, a new scheme of gate installation was worked out.

A suggestion of the railway company against the installation of gates and the substitute of an additional automatic flagman for the gates met with vigorous protest from the complainants, and the Commission then issued an order to show cause why formal proceedings should not be instituted and an order entered.

A public hearing was held in Los Angeles on May 7, 1919, at which the railway, the complainant, and the Board of Public Utilities of the City of Los Angeles were represented. No objection was made to conducting the formal investigation.

The railway offered in evidence the opinion of its Signal Supervisor that an additional automatic flagman, located as shown on Exhibit "A," offered equal protection to crossing gates. It was agreed that gates are out of use when broken, whereas automatic flagmen are free from this objectionable feature.

The applicant offered in evidence the facts that there had been several fatal accidents at this crossing, and the opinions of five old residents of the neighborhood that the crossing was dangerous and that an additional automatic flagman, as proposed by the railway, would not offer sufficient protection, and that crossing gates were necessary. Mr. Cuthbert stated his organization comprised about eighty (80) people, and Mr. W. R. Myers, a witness, representing the Garvanza Improvement Association, stated that his organization had several hundred members.

Assistant Engineer H. G. Weeks, of the Commission's engineering department, testified that traffic studies at

this point on May 5, 1920, showed that approximately five thousand (5,000) vehicles per day crossed the railway's tracks; that, in the light of his experience and knowledge of many traffic studies on other grade crossings in Los Angeles, this crossing was considered as a very busy crossing; that it was dangerous and in need of additional protection. He testified, further, that the opinion of the Chief Engineer of the Commission's engineering department was that the crossing was dangerous and that crossing gates were necessary.

It appears that the questions involved are:
Is additional protection necessary, and, if so, of what form and in what location?

The evidence introduced has convinced me that additional protection is necessary at this crossing. There was no dispute on this point, and I may point out that the railway, while objecting to gates, offered an additional automatic flagman in lieu thereof. As to the form of protection, the fact seems to me conclusive that fatal accidents have occurred at this point, even with two automatic flagmen installed. I am personally familiar with this crossing and have driven across it many times. The fact that the railway is located on a rather steep grade, down-grade toward Los Angeles, is of importance, as trains bound in this direction make relatively little noise, and I am not convinced that an additional automatic flagman will offer sufficient protection.

The evidence introduced by the railway and by the Commission's engineering department was to the effect that crossing gates should be located as close to the track as possible. Mr. Cuthbert testified that in his opinion the

location of the gates was of secondary importance; that, primarily, what the people he represented wanted was crossing gates. Since, in the opinion of those of railway experience, the gates should be close to the crossing, and since Mr. Cuthbert stated that the location was of secondary import, the location of gates as shown in green on Exhibit "A" appears to be too far from the crossing and should not be recommended.

At the conference between the Commission's and the railway's engineers on February 16, 1920, a location for the gates, as shown in yellow on Exhibit "A", was worked out. Witness for the railway stated that it was physically possible to install the gates in this location but stated that, in his opinion, the gates were too far from the crossing. Mr. Weeks, of the Commission's engineering department, stated that while the location in yellow was not as good as that shown in red, there was, in his judgment, very little difference between the red and yellow locations, as in the latter the gates would not be too far from the track. The views of this witness appear sound and I am convinced that the location of the gates, as shown in yellow on Exhibit "A" is the best one.

I submit the following form of order:

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised,

IT IS HEREBY ORDERED, That Atchison, Topeka and Santa Fe Railway Company, Coast Lines, proceed at once to install crossing gates and to complete the installation not later than three months from the date of this order,

at its crossing of Pasadena Avenue, at Avenue 61, Los Angeles, in the location shown in yellow color on Railroad Commission's Exhibit "A", filed in these proceedings and made a part hereof.

The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing 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.

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 17th day of May, 1920.

Edwin O. Edgerton
H. D. Loveland
Stuart K. Fisher
H. W. Brundage
Dwight M. Weston
Commissioners.