

ORIGINAL

Decision No. 8299

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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HIGHLAND PARK CHAMBER OF COMMERCE)

Complainant,)

vs.)

Case No. 1475.

ATCHISON, TOPEKA AND SANTA FE RAILWAY)
COAST LINES.)

Defendant)

L. T. Mayhew, for Highland Park Chamber of Commerce.
 David Faries, for Automobile Club of Southern California.
 M. W. Reed, for Atchison, Topeka and Santa Fe Railway.
 F. A. Lorentz, for Board of Public Utilities of the
 City of Los Angeles.

Brundige, Commissioner:

O P I N I O N

In this complaint filed August 4, 1920, Highland Park Chamber of Commerce alleged that the railway grade crossing maintained by defendant at the intersection of its railway with Dayton Ave., Los Angeles, was inadequately protected and asked that the Commission order crossing gates installed. Complainant also drew attention to fatal accidents at this point and asked further that pending the operation of gates the defendant protect the crossing by manual flagmen. This crossing is within the City of Los Angeles.

A public hearing was held in Los Angeles on October 21, 1920, at which the complainant, the defendant, the Board of Public Utilities of the City of Los Angeles and the Automobile Club of Southern California were represented.

Complainant introduced evidence to show that the grade crossing was dangerous, particularly because of the fact that the view and audibility of Los Angeles bound trains of defendant was very poor because of buildings located upon the acute angle corner of Pasadena Avenue and the Santa Fe right of way to the northwest of the crossing. Another point brought out was the fact that there was considerable confusion to vehicle drivers resulting from Los Angeles Railway Corporation street railway tracks just to the west of the crossing and Pacific Electric Railway Company street railway tracks just to the east of the crossing.

Mr. Lorentz, Assistant Engineer in the Board of Public Utilities of the City of Los Angeles, testified to the results of traffic studies showing that approximately 3000 vehicles per day used this crossing and that sixty-three per cent of the vehicular travel was west bound, the direction of the greater risk and danger. He testified further that in his judgment the protection provided by defendant at this crossing was inadequate.

The present protection consists of an automatic flagman located on the southerly side of Dayton Avenue and on the westerly side of the railway tracks, and a crossing sign with a small gong on the other side of the street and the other side of the tracks, the latter in the proper location to protect the westbound vehicular traffic, which is nearly double the eastbound.

Defendant did not contend that the present protection was adequate. In fact it suggested replacing the gong by an automatic flagman, in lieu of the installation of crossing gates. If this were done there would be two automatic flagmen, the present automatic flagman remaining in its present location.

Mr. H. G. Weeks, one of the Commission's Assistant Engineers, who has made many traffic investigations in Los Angeles and vicinity, was also of the opinion that the present protection was insufficient and the grade crossing dangerous.

There seems to be no question of the inadequacy of the existing devices to protect the public passing over this grade crossing, and that the real point at issue is what additional protection should be installed.

Witness for the defendant stated that in his opinion automatic flagmen offered equal protection to gates and supported his opinion by figures to show that gates fail more often than the flagmen. Since the figures presented were based on a few gates at very busy crossings and for all flagmen, principally at very much less busy points, I cannot give them any particular weight in this proceeding. This witness also predicated his opinion on the allegation that gates, if run into and broken, left the crossing without protection. I am not convinced that this is sound. There are usually four individual gates at any one crossing and rarely is more than one broken at a time. Further, if the automatic flagman fails there is no protection, while, on the other hand, even with a complete failure of all four gates, the gate operator may flag vehicular traffic from the ground, as a manual flagman.

Mr. Lorentz and Mr. Weeks both testified that in their judgment gates provided the best protection, and I am convinced that the gates should be installed.

It was also brought out that the present automatic flagman which should remain as warning to vehicles at night when the gates are not operated, should be moved across Dayton Avenue and also placed on the other side of the track. This is not enough. Due to the curve, or change in direction of Dayton Avenue at this point, the flagman would not be readily visible to eastbound

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vehicles. An additional wigwag should replace the present crossing sign and gong.

I wish to add that the rapid and continual growth of this territory and in the number of automobiles, and the fact that Pasadena Avenue is a through street where relatively high vehicular speed may be maintained have had considerable influence in arriving at my conclusion, particularly when the future is considered.

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, Coast Lines, proceed at once to install crossing gates and to complete the installation not later than two months from the date of approval of the plans for their location by this Commission, as hereinafter provided.

IT IS FURTHER ORDERED, that defendant submit within one month from the date of this order plans showing the proposed location of crossing gates which is satisfactory to the City of Los Angeles.

IT IS STILL FURTHER ORDERED, that defendant shall immediately replace the present crossing sign and gong on the northerly side of Dayton Avenue with an automatic flagman.

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 28th day
of October, 1920.

H. D. Loveland
Frank R. Dehn
H. A. Brundage
Irving Martin
Commissioners.