

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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ORIGINAL

City of Claremont, a
Municipal corporation,
Complainant,

vs.

Case No. 1516.

The Atchison, Topeka and
Santa Fe Railway Company,
a corporation, and Pacific
Electric Railway Company,
a corporation.
Defendants.

Joseph A. Allard, Jr., for complainant.
M. W. Reed, for Atchison, Topeka & Santa
Fe Railway Company, defendant.
Robert C. Gocker, for Pacific Electric
Railway Company, defendant.

BRUNDIGE, Commissioner:

O P I N I O N

In this proceeding the City of Claremont alleges that the crossings of Alexander Avenue and the tracks of the Atchison, Topeka and Santa Fe Railway Company and Pacific Electric Railway Company are extremely dangerous; that several persons have been killed or injured thereat; that trains of both defendants cross the crossing at a high rate of speed and that public convenience and interest require the installation of gates and their operation throughout 24 hours each day and asks that the Commission issue an order directing the installation and operation of crossing gates.

In its answer the Pacific Electric alleges that because of the distance between them the Santa Fe and Pacific Electric crossings properly constitute two separate and distinct crossings rather than one, as mentioned and treated in the application and denies

that its crossing is dangerous, alleging that casualties that may have occurred could have been avoided by the exercise of ordinary care; denies that its trains cross the crossing in excess of 20 miles per hour, alleges there is no necessity for the installation and operation of gates and asks that the complaint be dismissed.

The Santa Fe denies that its trains cross the crossing at a high rate of speed and that public convenience and interest require the installation and operation of gates.

A public hearing was held in Claremont on March 23, 1921.

The Pacific Electric has one track across Alexander Avenue and the Santa Fe three tracks,-- one main line and two side tracks, the main line being located between the side tracks which are each distant 14 and 15 feet, respectively, from the main line.

Alexander Avenue is 60 feet wide between property lines and is a macadamized street. The Pacific Electric crossing is protected by an automatic flagman located north of the track on the west side of the street, by a suspended sign over the middle of the street and by a standard crossing sign located at the northeast corner of Alexander Avenue and First Street. There is also a standard warning sign located on the east side of Alexander Avenue about 150 feet from the crossing. The Santa Fe crossing is protected by a standard crossing sign north of the tracks on the west side of Alexander Avenue and an automatic flagman south of the tracks on the east side of the street. There is also a standard warning sign on the west side of Alexander Avenue about 150 feet from the crossing.

Mr. George Jenks, Mayor of Claremont, testified that the Southern California Edison Company's office on the northwest corner of Alexander Avenue and First Street and the orange grove to the north and west of it constitute an important obstruction to the view of the Pacific Electric crossing and that the feed store on the west side of Alexander Avenue and 30 feet south of the

Pacific Electric main line obstructed the view of both the Pacific Electric and Santa Fe crossings. In his opinion, the crossing gates should be installed entirely at the expense of the railroad but he was unable to state if the City was willing to bear part of the cost of the installation of gates.

The City Engineer and Superintendent of Streets introduced a traffic count, indicating movement of 355 vehicles across the Santa Fe tracks and 367 across the Pacific Electric tracks between six o'clock A.M. and six o'clock P.M., stating, however, that in the packing season there was a large use of the crossing at the time of his count on November 22nd and 23rd, 1920, his estimate being 50% in excess of the figures he submitted. He stated that Alexander Avenue was the main crossing to the south of the City of Claremont and was used by people going to Pomona. In his judgment, the Santa Fe crossing is more dangerous than that of the Pacific Electric, particularly because of the trees on the east side of Alexander Avenue and the fact that in his opinion the Santa Fe trains exceed 60 miles an hour when westbound and with prevailing winds from the west, a train whistle cannot well be heard. He testified further that he observed that 10 seconds had elapsed between the time the automatic flagman began to operate and the westbound Santa Fe passenger train reached the crossing.

Here it may be well to mention that the signal engineer of the Santa Fe testified that approximately 1400 feet would be covered by the train in this ten seconds. This corresponds to a speed of approximately 95 miles per hour.

The City Engineer also stated that in his judgment there was no danger at the Pacific Electric crossing for vehicles coming from the north and no danger for vehicles from the south from westbound Pacific Electric trains.

Other witnesses for the city gave evidence as to accidents.

The Pacific Electric was granted the privilege of investigating the accidents referred to and of filing with the Commission any

report of these accidents which its claim department might make.

As a result, it reports on both of the fatal accidents specifically referred to, -one of which involves a man 92 years old and evidently the fault of deceased and the other an accident the cause of which is not apparent.

The Santa Fe Signal Engineer, Mr. E. Winans, stated that the Santa Fe wig wag was installed about seven years ago and that there had been only three failures within the last three years. He also stated that crossing gates for one railroad only would cost approximately \$2200 and the cost of operation per year for 24 hours service would be approximately \$3500. As to his judgment between the relative effectiveness of gates and automatic flagmen it was also stipulated that evidence submitted in Cases 1519 and 1521 would, where pertinent, be considered as evidence in this proceeding, and reference is hereby made to the Commission's decision in Case 1519.

The Pacific Electric brought out that there was a speed restriction of 20 miles per hour at Alexander Avenue and that this was lived up to. The number of passenger trains on the Pacific Electric was stated at 62, part of which were the Pomona local trains, and the number of express and freight trains light.

The Pacific Electric also made a check of the travel over Alexander Avenue on Monday March 21, 1921, from 8 A.M. to 6:50 P.M., with the following result:

Automobiles.....	372
Horse-drawn vehicles.....	35
Motorcycles.....	44
Pedestrians.....	83

The vehicular movement over the crossing is relatively light and the view of approaching trains, while not good, I cannot consider badly obstructed and after careful consideration of the evidence in this case and a personal inspection of the crossing, I am convinced that conditions as they exist do not warrant my recommending the installation of crossing gates.

The combination of the evidence of the City Engineer and the Signal Engineer of the Santa Fe resulting in a computed speed in excess of 90 miles an hour, I cannot pass without mention. The City Engineer upon cross examination stated that while he felt quite sure of his observation of the time, as noted above, he also admitted that the watch used for the purpose was not of the best.

At the hearing, the Santa Fe signal engineer was not able to state the exact length of the track circuit to the east of Alexander Avenue, which operates the automatic flagman for westbound trains. Subsequent to the hearing our engineering department investigated this matter and reports that it is too short to give adequate warning for the high speed of Santa Fe westbound trains as they descend a grade of approximately 0.8% through the easterly part of Claremont and I am convinced that this track circuit should be rearranged on the basis of 25 seconds warning for a speed of 60 miles per hour.

I recommend the following form of order:

O R D E R

The City of Claremont having complained of the dangerous condition of the grade crossings of Alexander Avenue and Atchison, Topeka & Santa Fe Railway Company and Pacific Electric Railway Company in the City of Claremont and asked that the Commission order the installation of crossing gates and their operation throughout 24 hours each day, a public hearing having been held and the Commission being fully apprised in the premises,

IT IS HEREBY ORDERED, that this case be and the same is hereby dismissed, and

IT IS FURTHER ORDERED, that The Atchison, Topeka and Santa Fe Railway Company arrange, within 60 days from the date of this order, that its automatic flagman at Alexander Avenue ring and operate for

25 seconds before westbound trains moving at the rate of 60 miles per hour reach Alexander Avenue.

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

Dated at San Francisco, California, this 31 day of ~~April~~ ^{May}, 1921.

H. S. Loveland
H. B. Bondage
Dwight Martin

Commissioners.