

Decision No. 8736.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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City of La Verne, a
Municipal Corporation,
Complainant,

vs.

The Atchison, Topeka and
Santa Fe Railway Company,
a Corporation,
Defendant.

Case No. 1521.

Joseph A. Allard, Jr., for complainant.

M. W. Reed, for defendant.

BRUNDIGE, Commissioner:

O P I N I O N

In this complaint the City of La Verne alleges a dangerous condition at the crossing of "D" Street and the Atchison, Topeka and Santa Fe Railway Company in La Verne; that the trains of defendant cross this crossing at a high rate of speed; that public convenience and interest require the installation and operation of crossing gates or the elimination of this crossing as a grade crossing and asks that the defendant be ordered to either install crossing gates and operate and maintain them 24 hours a day or separate the grade of "D" Street and its tracks.

A public hearing was held at La Verne on March 23, 1921.

The Santa Fe maintains three tracks across D Street, - one main line track and two side tracks, one distant 15 feet and the other 16.3 feet from the main line track, these side tracks being located on opposite sides of the main line. D Street

is well paved and 80 feet wide between property lines.

The crossing is at present protected by a standard crossing sign on the north side of the crossing and an automatic flagman on the south side of the crossing. There are also standard warning signs located some distance from the tracks.

Witnesses for the City of La Verne stated that the view from the north was very much obstructed, particularly to the east where a large packing house obscures the view until a traveler going south is within 20 feet of the main line. To the west there is also a packing house, but located approximately 125 feet west of the west line of D Street. It was also stated that the view to the west was obstructed by cars standing on the north side track so that the conditions were just as bad as stated above for the view along the tracks to the east.

A traffic count introduced by the Superintendent of Streets of the City of La Verne showed that on March 17th from 7 A.M. to 7 P.M. 249 automobiles, 30 horse-drawn vehicles, 310 bicycles, 13 motor-cycles and 553 pedestrians crossed the tracks, and there were 14 train movements across D Street. He also testified that he had tested the speed of one train on March 22nd and arrived at the speed of 43 miles per hour.

The Signal Engineer of the Santa Fe stated that the present automatic flagman had been in place about five years and there were only four records of failure during that time. He also stated that in his opinion wig wags were just as effective as gates, supporting his contention by saying that gates were subject to more variety of failures than automatic flagmen, such failures being due to human errors, which did not occur with automatic flagmen, to breakage caused by vehicles running into gates, and to a lesser degree, mechanical failures. He estimated the cost of crossing gates at approx-

imately \$2200 and that the cost of operation, for 24 hours' service per day, would be \$3,468.24 a year.

Assistant Engineer E. C. Weeks of the Commission's engineering department stated that he had tested the speed of the two trains - both eastbound - and found one running 29 miles per hour and the other 32 at D Street. He also stated that since the view of the crossing from the south was very much better than that from the north, in his judgment the wig wag would better serve travelers on the highway if located on the north side of the crossing so as to be at their right hand in approaching the crossing from the north.

Eastbound trains are on an ascending grade and the locomotives make a great deal of noise, in addition to the usual crossing whistle. The vehicular traffic across the crossing is very light and the view from the south is good.

While this crossing is undoubtedly dangerous for travelers along the highway from the north in that they must usually get within 20 feet of the main line before the train can be seen and trains operate at a relatively high rate of speed, I do not believe that the conditions justify either the installation of gates or the separation of grades at this crossing.

I am, however, convinced that the automatic flagman should be moved to the north side of the tracks as in this position it would be on the right hand side of vehicles approaching the tracks from the more dangerous direction and would conform to the modern practice in placing highway signs of various kinds on the right hand side of the highway.

I recommend the following form of order.

O R D E R

The City of La Verne having filed with the Commission a complaint alleging the dangerous condition of the grade crossing at D Street and the tracks of the Atchison, Topeka and Santa Fe

Railway Company in the City of La Verne and asked that the Commission order either the installation of crossing gates and their operation for 24 hours a day or a separation of street and railway grades, a public hearing having been held and it appearing to the Commission that while not all the additional protection asked by the complainant is necessary and desirable, some improvement can be effected,

IT IS HEREBY ORDERED, that the Atchison, Topeka and Santa Fe Railway Company move and the same be and is hereby ordered to be moved within forty (40) days of the date of this order its automatic flagman now protecting the crossing of its tracks in D Street in the City of La Verne from the south side of the tracks to the north side of the tracks, the automatic flagman to remain, however, on the west side of D Street.

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 6th day of

W. C. ...
~~1921~~, 1921.

H. S. Loveland
H. B. Brundige
James Martin
W. B. ...

Commissioners.