

Decision No. 9076

ORIGINAL

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Installation  
of Safety Signals at Grade Cross-  
ings within the city limits of  
Lindsay, Tulare County. }

Case No. 1472.

C. W. Braswell for City of Lindsay.  
A. J. Howe for Lindsay Chamber of Commerce.  
Frank B. Austin for Southern Pacific Company.

BY THE COMMISSION.

OPINION ON REHEARING

This proceeding was originally initiated by the Commission on its own motion, as a result of several informal complaints registered by the Board of Trustees of Lindsay and several citizens in regard to the dangerous conditions at the grade crossings of the several streets in Lindsay over the tracks of the Southern Pacific Company.

By its Decision No. 8598 therein, dated January 26, 1921, the Commission ordered that the Southern Pacific Company install automatic flagmen at its crossings of Eucalyptus Avenue, Hermosa Street, Honolulu Street and Lewis Street, all of which were to be paid for by the Southern Pacific Company, except the one at Lewis Street, which, having been opened at the request of the City under Decision 2320, was to be paid for by the City of Lindsay. It was also ordered that Hermosa Street be further protected by a human flagman from November 15th to January 15th, and from March 15th to July 15th of each year, at the expense of the Southern Pacific Company.

Subsequently, the Southern Pacific Company filed its petition for rehearing upon the ground that no necessity was shown for the installation of a wig-wag signal at Honolulu Street; that the installation of wig-wag signals at both Honolulu and Hermosa Streets would increase the hazard rather than diminish it; and that there is no need for the maintenance of a human flagman at Hermosa Street during all of the period mentioned in the Commission's order. The city also advised the Commission, informally, that it wanted to offer testimony on the question whether the Lewis Street protection should be paid for by the city or the company.

Therefore, the Commission granted a rehearing which was held at Lindsay before Examiner Westover.

It appears from the testimony at the latter hearing that the Lewis Street crossing, as now constructed, is in reality a relocation of a crossing of a roadway in use prior to the construction of the railroad and that the necessary authority for the relocation contained in the Commission's Decision No. 2320, above referred to, was obtained by the city in pursuance of the terms of a grant of easement by the railroad company for the new location of the street.

Tabulations of traffic counts made at Lewis Street, Honolulu Street, Hermosa Street and Eucalyptus Avenue, all east and west streets, and being all of the railroad crossings in Lindsay named in the order of their location from south to north, show the following:

<u>Street</u>	<u>Time Taken</u>	<u>Pedes- trians</u>	<u>Trucks</u>	<u>Wagons</u>	<u>Autos</u>	<u>Total Vehicles</u>
Lewis Street	Apr. 6, 1921 7:30 A.M. to 6:30 P.M.	117	44	18	341	403
Honolulu Street	May 4, 1921 7:30 A.M. to 5:00 P.M.	997	111	20	360	491

<u>Street</u>	<u>Time Taken</u>	<u>Pedes- trians</u>	<u>Trucks</u>	<u>Wagons</u>	<u>Autos</u>	<u>Total Vehicles</u>
Hermosa Street	Apr. 5, 1921, 7:30 A.M. to 6:30 P.M.	1231	146	35	1110	1291
Eucalyptus Ave.	Apr. 6, 1921, 7:30 A.M. to 6:30 P.M.	46	33	53	92	179

The testimony indicates that the traffic over the crossings at Lewis Street, Honolulu Street and Hermosa Street would be considerably increased during the busy fruit shipping season in May, June, November and December of each year.

The Hermosa Street crossing has the heaviest traffic due to the fact that this street is the outlet to the county highway to Tulare, and because two schools are located on this street. Honolulu Street is the principal business street of Lindsay and is located 960 feet southerly from Hermosa Street. Sweet Brier Avenue and Mt. Vernon Avenue are paved streets extending north and south on the east and west sides, respectively, of the Southern Pacific Company's right of way and adjacent to it, and both provide thoroughfares between Hermosa Street and Honolulu Street.

The City of Lindsay represented that although Honolulu Street is the principal business street of the city, it would be impracticable to divert the traffic from the Hermosa Street crossing to the Honolulu Street crossing, for the reason that two important schools, many garages, gasoline filling stations and other business establishments are located on Hermosa Street, and also for the reason that during the busy fruit season Mt. Vernon Avenue is seriously congested by trucks delivering produce to packing houses located on that street between Hermosa Street and Lewis Street. The evidence does not, however, show that it would be impracticable to divert the major portion of the traffic from the Honolulu Street crossing to the Hermosa Street crossing.

The evidence also indicates that throughout the year there is a considerable amount of switching by the Southern Pacific in Lindsay during the daytime, which is the time of heaviest street traffic, and that in the busy fruit packing season there is also a considerable amount of night switching.

At the Honolulu and Hermosa Street crossings, there are nine tracks to cross and the view is or may be obstructed by packing houses, warehouses and cars spotted on the yard tracks. All south bound passenger trains stop before crossing Honolulu Street, and the north bound trains approach this crossing at very slow speed.

In the judgment of the engineering department of the Commission, it would be impossible to give adequate protection to these crossings by means of automatic signals for the reason that if such signals were connected to the main line only, the absence of a warning indication would be taken as an indication to proceed, in spite of the fact that a switching movement might be occurring on a yard track, and thus the safety signal might become the means of itself inviting accident. On the other hand, if an automatic signal were also connected to the yard tracks, it would be giving a danger signal most of the time whether cars were approaching or not, due to the fact that cars are usually spotted on some one or more of the tracks. As a result, the public would soon come to ignore the warning signal and conditions would be no better than at present. Mr. F. M. Worthington, Division Superintendent of the railroad, expressed similar views. Apparently adequate protection for these crossings can be afforded only by human flagmen or by diversion of traffic. However, it is not believed that traffic conditions justify the expense of placing a human flagman at both of these crossings. The proper solution would appear to consist

of concentrating as much of the traffic as possible over one crossing, as at Hermosa Street, and properly protecting that crossing with a human flagman during the hours of heaviest traffic, which appear to be between 8 A.M. and 6 P.M. daily. The expense of providing this human flagman should be borne by the Southern Pacific Company, but the responsibility of diverting the traffic from the Honolulu Street crossing should be with the City of Lindsay. Should the city fail to reduce the hazard at the Honolulu Street crossing by suitable encouragement and direction of proper traffic routing, the cost of required protection at Honolulu Street should then be borne by the city or the crossing be closed.

Lewis Street crosses five tracks, including a main track, the view of which is, or may be obscured, by packing houses and cars on the yard tracks. However, since Lewis Street is located near the southerly end of the yard, practically no switching movements are made over this crossing without a main line or passing track switch being open. It would, therefore, be feasible to so connect an automatic wig-wag signal to the main line and passing track as to give reasonably adequate protection. Lewis Street is an important crossing requiring protection. In view of the fact that it <sup>present location</sup> is but a relocation of a crossing existing before the railroad was built, it should be protected with an automatic wig-wag signal to be installed and maintained at the expense of the Southern Pacific Company.

The Eucalyptus Avenue crossing is at the northerly end of the Lindsay yard over four tracks, the view of which to the north is obstructed by trees on each side of the railroad. This crossing could be adequately protected by an automatic wig-wag signal, but the necessary traffic over this crossing would not seem to justify the expense of such a signal. The evidence at the rehearing shows that there is relatively light traffic over

this crossing, and that approximately sixty per cent. of this traffic could be diverted over the Hermosa Street crossing without serious inconvenience.

ORDER ON REHEARING

The Commission having held a public rehearing regarding crossing conditions over the Southern Pacific tracks through the City of Lindsay, Tulare County, the matter being submitted and ready for decision,

IT IS HEREBY ORDERED that the order contained in Decision No. 8598 of January 26, 1921, in the above entitled case, be and it is hereby modified by striking out the second paragraph thereof, and substituting therefor the following four paragraphs, to wit:

Southern Pacific Company, at its own expense, shall protect the Hermosa Street crossing by a human flagman between the hours of 8 A.M. and 6 P.M. daily, beginning within twenty (20) days from date hereof, and shall provide suitable signs reading, "Stop - Flagman Absent", which signs, together with lights, shall be placed on each side of the said Hermosa Street crossing in the center of the street during the period from 6 P.M. to 8 A.M. daily, when the human flagman is absent.

Southern Pacific Company, at its own expense, shall install and maintain an automatic flagman of a type approved by the Commission at the Lewis Street crossing, connected with main line track and the passing track, with track circuits on the latter of a length commensurate with the lower rates of speed of trains. The installation of said automatic flagman shall be made within sixty (60) days from the date of this order, and the Commission shall be notified <sup>in writing,</sup> within thirty (30) days thereafter, of the completion of the installation of said signal.

The City of Lindsay shall install at its own expense suitable route signs directing traffic now using the Honolulu Street crossing to Hermosa Street. Such route signs shall be placed at the intersection of Honolulu Street and Sweet Brier Avenue, at the intersection of Hermosa Street and Sweet Brier Avenue, at the intersection of Honolulu Street and Mt. Vernon Avenue, and at the intersection of Hermosa Street and Mt. Vernon, and also at the more prominent street intersections in Lindsay, directing traffic to Tulare and vicinity to the Hermosa Street crossing.

The City of Lindsay shall provide suitable route signs to divert traffic from the Eucalyptus Avenue crossing to Hermosa Street, these signs to be installed at the intersection of Sweet Brier Avenue with Eucalyptus Avenue and at the intersection of Mt. Vernon Avenue with Eucalyptus Avenue.

The Commission reserves the right to make such further orders relative to the protection of said crossings as to it may seem right and proper, if, in its judgment, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 9<sup>th</sup> day of June, 1921.

H. B. Brundage  
H. D. Lovelace  
Dwight Martin  
[Signature]  
Commissioners.