

Decision No. 29533.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
LOS ANGELES RAILWAY CORPORATION for  
an order, pursuant to Section 369a  
Penal Code, prescribing and approv-  
ing the use of HB life guards on  
certain street cars.

Application No. 20958.

Woodward M. Taylor, General Attorney, for  
Applicant.

Ray L. Chesebro, City Attorney, and Wm. J.  
Carr, for the City of Los Angeles,  
Interested Party.

Stanley Lanham, for the Board of Public  
Utilities of the City of Los Angeles,  
Interested Party.

BY THE COMMISSION:

O P I N I O N

In this proceeding, Los Angeles Railway Corporation  
seeks an order, pursuant to Section 369a of the Penal Code, <sup>(1)</sup>

(1) 369a. Brakes and fenders on street-cars. Any person, company, or corporation, operating cars on the streets of cities or towns, or on the county roads within the state, for the conveyance of passengers, propelled by means of wire ropes attached to stationary engines, or by electricity or compressed air, who runs, operates, or uses any car or dummy, unless each car and dummy, while in use, is fitted with a brake capable of bringing such car to a stop within a reasonable distance, and a suitable fender, or appliance placed in front or attached to the trucks of such dummy, or car, for the purpose of removing and clearing obstructions from the track, and preventing any obstacles, obstructions or person on the track from getting under such dummy or car, and removing the same out of danger, and out of the way of such dummy or car, is guilty of a misdemeanor. Where the railroad commission of the state of California prescribes the fender or brake to be used as aforesaid, then a compliance therewith must be deemed a full compliance with the provisions of this section.

prescribing and approving the HB life guard type of fender, for use on such street cars of applicant as are known and described as Presidents' Conference Committee cars, instead of and in lieu of the Eclipse or other projecting type of fender.

Public hearing was conducted on this proceeding by Examiner Hunter at Los Angeles on February 9th, 1937, at which time the matter was taken under submission, and it is now ready for decision.

In the application it is alleged that:

"On August 14, 1936, applicant placed an order with the St. Louis Car Company, St. Louis, Missouri, for the purchase of sixty (60) new modern street cars of the type commonly referred to in the industry as Presidents' Conference Committee cars. Delivery of the first units of said order has been promised to begin in February, 1937, and it is expected that delivery of all sixty of them will be completed in April, 1937."

At this time all the street cars operated by applicant are equipped with the Eclipse fender, which is a projecting and folding type and, when in service, extends in front of the car for a distance of 3 feet 2 inches. It appears that this type of fender is prescribed by an Ordinance of the City of Los Angeles. Applicant has no plan at this time to change the type of fender on the equipment now in use but desires to use what is designated as the HB life guard on its new equipment.

The HB life guard is constructed under the body of the car and in advance of the first trucks, with no portion projecting beyond the end of the car. The carrier of this life guard is operated by a pilot which is constructed at the front end of the car. When the pilot encounters a person or object, it causes the carrier, installed immediately ahead of the trucks, to drop from its normal horizontal position to an inclined position, so that the free end travels along on top of the rails or the pavement,

thereby preventing the person or object from getting under the wheels of the first truck. In its normal position, both the pilot and the carrier have a five-inch clearance above the top of the rails. After the pilot and carrier of the life guard have functioned, as a result of encountering a person or object, they can be restored to their normal clear position through a mechanism under the control of the operator. A detailed description of the HB life guard is shown on Exhibit No. 1.

Applicant's witnesses testified that the HB life guard is being adopted on many of the major street transportation systems in the United States, as well as in Europe and Canada. This type of fender is now used on a number of street railway systems in California. In many cases the Eclipse type of fender has been replaced by the non-projecting type. A partial list of properties using the HB type of life guard is shown on Applicant's Exhibit No. 4.

Exhibit No. 3 shows that to equip the Presidents' Conference Committee car with the Eclipse type of fender would involve 21 inches more street space, in rounding a forty-five foot radius curve, than is the case with the present type of street cars, which would have the effect of interfering with the free passage of two cars on a curve at many locations on the system and, at the same time, create an added hazard to pedestrians at intersections.

The testimony shows that the use of the HB type of life guard, instead of a projecting type of fender will effect a reduction in the street space occupied by a car of about four feet, which is an important element on streets carrying heavy traffic, from both a rail and vehicular standpoint.

Applicant's witnesses testified that experience has proven that the non-projecting type of fender offers more protection to the public than the projecting type; also, that the Eclipse type of fender is inferior to the HB life guard type, from a standpoint of maintenance, as it not infrequently happens that the projecting fender becomes damaged, as a result of a minor collision, which necessitates detaching it from the car, with the attendant expense of transporting the damaged fender to the repair shop. In such cases it becomes necessary to move the other fender from the rear of the car to the front, which requires the services of two men.

The Presidents' Conference Committee car is the result of many years of study and experiments by a selected committee, with the objective of developing a practical car with the greatest comfort and attractiveness and, at the same time, reducing operating costs to a minimum. The HB life guard has been adopted as a standard for this particular car, not only from the standpoint of safety and service but, also, from the standpoint of appearance. If these new type of cars were equipped with the Eclipse type of fender, it would materially detract from their appearance, as well as interfere with their operation.

No opposition developed to the granting of this application and a review of the record leads to the conclusion that it should be granted.

#### O R D E R

Public hearing having been held on the above entitled proceeding and the matter now being ready for

decision;

IT IS HEREBY ORDERED that, pursuant to the authority granted this Commission by the provisions of Section 369a of the Penal Code, Los Angeles Railway Corporation is hereby authorized to operate its new Presidents' Conference Committee cars with the HB life guard type of fender, as shown on its Exhibit No. 1, in lieu of the Eclipse type of projecting fender.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of February, 1937.

William H. Hays  
Leon A. Whittell  
Frank R. Whittell  
Ray & Kelly  
Commissioners.