

**ORIGINAL**Decision No. 46079

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SOUTHERN PACIFIC COMPANY to discon- )  
 tinue services of human flagman at ) Application No. 32131  
 Third Street, Livingston, California. )

R. J. Lathrop, for Southern Pacific Company, applicant,  
Gordon H. Winton, Jr., City Attorney for the City of  
 Livingston, protestant, Margaret Copley; for Livingston  
 Parent-Teachers Association, protestant, Andrew S.  
Escola, for Livingston Farm Bureau, protestant, and  
M. E. Getchel, for the Commission Staff.

O P I N I O N

In the above-entitled proceeding the Commission is asked to approve the discontinuance of human flagman service at a crossing in the City of Livingston. A public hearing was held at Livingston by Examiner Gannon on May 22, 1951, at which time the matter was taken under consideration and is now ready for decision.

The crossing in question is at Third Street, designated as Crossing No. B-136.2 which provides an entrance to the main business portion of Livingston from the State Highway (U. S. 99) which at this point lies north of and parallel to the main Valley Line tracks of Southern Pacific Company. The crossing with the railroad has badly obscured view conditions in all four quadrants and is now protected by two flashing light signals installed on October 15, 1948 and by the human flagman on duty 11 hours daily. This flagman service has been provided for many years and at present costs approximately \$500 per month in wages which with other items such as vacation allowance and retirement tax bring the total annual expense to \$6,678.00.

W. H. Ferguson, Assistant Superintendent of Southern Pacific Company, testified that he was familiar with grade crossings and grade crossing protection, and that the two No. 8 flashing light signals are

sufficient protection for this crossing. He stated that at other crossings where traffic is just as heavy and in a number of cases at crossings where traffic is a great deal heavier it was not necessary to have a human crossing flagman as the human flagman is generally employed at locations which have considerable switching movements. At Livingston the latter condition does not exist.

Ferguson also testified that ninety per cent of the north-bound freight trains stop at the water tank which is located approximately 100 feet east of the grade crossing. Three regular passenger trains in each direction, or a daily total of six, operate over the line at a northward permissible speed of seventy miles per hour and a southward permissible speed of fifty miles per hour. The average number of freight trains is approximately ten trains per day northward and five southward at a maximum permitted speed of fifty miles per hour in both directions. The conversion from steam power to diesel power will not affect the problem involved in this case.

G. H. Fair, Assistant Division Engineer, testified that the road approaching the grade crossing has a peculiarity not common to most crossings in that there is not a straight approach of sufficient length that would permit a car, even violating the lawful speed limits of the community, to reach a speed which would increase the hazards at the grade crossing. The crossing is located in a business district of restricted vehicular speeds. This witness was of the opinion that the existing flashing light protection is adequate. His opinion was predicated to a considerable extent on the amount of traffic over the crossing which averaged 2,675 vehicles by a tape traffic count taken on various days in August 1949 and May 1951.

Evidence on behalf of the protestants was presented by Charles Kanon, Robert W. Lyon, Keith Winton, and Andrew Escola. Their testimony shows that an average of about sixteen 55 passenger school

buses use the crossing daily. Every school day approximately fifty pupils walk across the crossing as pedestrians and approximately 36 students cross on bicycles. The evidence further shows that 90 per cent of the trains slow down and stop for water at the water tank causing the No. 8 flashing light signals to operate for periods of five to ten minutes at a time. Other through trains cross the crossing with only twenty to thirty seconds warning of the flashing light signals. This condition tends to create a trap because automobiles have to get very close to the tracks before they can see a sufficient distance in either direction to cross safely. During the hours the flagman is on duty, people have the habit of watching his actions and while he does not actually signal motorists over the crossing, he walks to one side after a train has stopped and even though the No. 8 signals are operating, motorists realize that it is safe to continue over the crossing. Exhibits one and two were presented as evidence to this effect.

As a part of the evidence in this hearing, the Southern Pacific Company, by letter dated June 26, 1951, indicated that the water column could be relocated and the signal circuits rearranged to eliminate prolonged ringing when trains are standing at or approaching the water column to take water. The cost of these changes is estimated to be \$13,629.

The record clearly establishes, and we hereby find, that Crossing No. B-136.2, Third Street, Livingston, should be protected by rearranging the existing signal circuits to eliminate unnecessary ringing of the existing flashing light signals and the moving of the water column as indicated in the above mentioned letter of June 26, 1951, under Item 2. The railroad shall bear the expense of the rearrangement of facilities.

O R D E R

Public hearing having been held in the above-entitled application, the matter submitted and ready for decision,

IT IS ORDERED that Southern Pacific Company, applicant herein, may within one year from the effective date of this order, discontinue the services of a human flagman at the crossing of Third Street with its track at Livingston, Merced County, Crossing No. B-136.2, subject to the provision that the signal circuits be rearranged to eliminate unnecessary operation of the Standard No. 8 flashing light signals now protecting said crossing and that the water column be moved, as proposed in Item 2 in the letter of Southern Pacific Company dated June 26, 1951, filed in this proceeding.

The entire cost of rearranging said circuits and moving the water column is to be borne by Southern Pacific Company.

Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within one year unless the time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California August 14, 1951.

R. J. Anderson  
Justin J. DeLuca  
Harold P. Hill  
Thomas W. Latta

Commissioners