

Decision No. 62058**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE ATCHISON, TOPEKA AND )  
 SANTA FE RAILWAY COMPANY, a corporation, )  
 for authority to install two 12' arm )  
 cantilever type No. 8 flashing lights in )  
 lieu of flagging and push button operated )  
 flashing lights at crossing No. 2K-10.8, )  
 intersection of Applicant's tracks and )  
 San Pablo Avenue (State Route 14), )  
 Emeryville, California. )

Application No. 42771

J. T. Cummins, for The Atchison, Topeka and  
 Santa Fe Railway Company, applicant.  
William H. Quinn, for Town of Emeryville,  
 protestant.  
M. E. Getchel, for the Commission's staff.

O P I N I O N

By this application, The Atchison, Topeka and Santa Fe Railway Company<sup>1</sup> seeks authority to change the class of grade crossing protection now in force at the intersection of its tracks and San Pablo Avenue (State Highway No. 14) in the Town of Emeryville. Protection is presently afforded by human flagman, supplemented by Standard No. 8<sup>2</sup> flashing lights, which are actuated by push-button. Applicant proposes to eliminate the flagman and to replace the present manually-controlled flashing lights with two cantilever type No. 8 automatic flashing lights, the dimensions and design of which would be as proposed in a drawing attached to the application.

Public hearing of the application was held before Examiner Carter R. Bishop at Emeryville on February 16, 1961.<sup>3</sup> Evidence on

<sup>1</sup> Hereinafter sometimes designated as "Santa Fe".

<sup>2</sup> Of the Commission's General Order No. 75-B.

<sup>3</sup> The Town of Emeryville was authorized to file certain exhibits with the Commission after the hearing. On receipt of same the matter was taken under submission.

behalf of applicant was adduced through its division superintendent and two engineering witnesses, including the carrier's division engineer. An engineer from the Commission's Transportation Division assisted in the development of the record.

The evidence establishes the following facts: San Pablo Avenue is a heavily-travelled boulevard connecting the central business district of Oakland with points to the north. The Emeryville crossing here in issue consists of Santa Fe's main track, leading from its Oakland-Emeryville station and yard, which are immediately west of San Pablo Avenue, to Berkeley, Richmond and points beyond, and four additional tracks. Two of the latter have been retired from operation and barricaded.

Train movements over the crossing consist of freight and switch movements, all of which are made at speeds of five miles per hour or less. No regular passenger trains have been operated over the crossing since June, 1958, and it is not anticipated that the crossing will be used in the future by such passenger trains. An exhibit of record shows an average of eight daily switch and freight train movements, combined, over the crossing during the test week of January 9, 1961. According to the superintendent, the year-round average is about 9 movements per day. This he stated is not more than 25 percent of the daily crossing movements which were experienced when passenger trains were serving the Emeryville station.

Vehicular traffic over the rail crossing here in issue, the record shows, while heavy, is particularly concentrated, on Mondays through Fridays, from 7:00 to 8:00 a.m. and from 4:00 to 6:00 p.m. Applicant's superintendent testified that every effort is made to avoid any train or switch movements over the crossing during the peak hours.

Applicant presently maintains crossing watchmen at the location in question 24 hours per day, seven days per week. This means that three rail movements over the crossing, on the average, are flagged during an 8-hour shift. The superintendent was of the opinion that neither safety nor operating efficiency required the maintenance of human flagmen at the crossing here in issue. He estimated that the changeover to the proposed crossing protection would result in savings to the carrier of approximately \$22,000 per year.

The city engineer of the Town of Emeryville, protestant, testified on behalf of that municipality. He expressed the opinion that the traffic movements over the crossing here in issue can be controlled more effectively by a human flagman than by automatic signals. He asserted that delays to vehicular traffic would be greater under the proposed arrangement than with the present class of crossing protection. The human flagman, the witness further testified, is in a position to stop a train when emergency vehicles are approaching.

If the Commission should authorize the sought relief, the city engineer stated, such relief should be subject to certain qualifications, viz.: (1) provision should be made to enable the brakeman at the head of the train to give right-of-way to emergency vehicles, and (2) the design of the standards should be more pleasing than is that of the proposed signals as set forth in the diagram attached to the application.<sup>4</sup> In this latter connection the witness pointed out that the Town of Emeryville recently spent \$100,000 for an improved lighting system, to improve the appearance of San Pablo Avenue. The proposed design, he asserted, would detract from the

---

<sup>4</sup> Certain other suggestions were made by this witness which appear to be already in effect under the carrier's operating rules.

beauty of that thoroughfare. In late-filed exhibits, which were authorized at the hearing, protestant submitted for the Commission's consideration several alternate designs for the proposed signal standards. No preference for any particular design was given by protestant.

The evidence is persuasive, and the Commission hereby finds, that the grade crossing here under consideration can be adequately protected by the use of automatic No. 8 flashing signals mounted on cantilever type standards of the dimensions specified in the application, subject to certain conditions as hereinafter stated. We further find that public safety and the public interest do not require the maintenance of human flagmen at said crossing. The alternate designs for the signal standards submitted by protestant have been considered. It does not appear that any of them is superior esthetically to that proposed by applicant. None of them will be adopted in lieu of applicant's proposed design. It further appears that the conditions specified in the following order will afford adequate protection for emergency vehicles.

O R D E R

Based upon the evidence of record and the findings and conclusions set forth in the preceding opinion,

IT IS ORDERED that:

1. The Archison, Topeka and Santa Fe Railway Company is hereby authorized to replace the present human flagmen and manually-controlled electrically-operated Standard No. 8 flashing light signals at Crossing No. 2K-10.8 over San Pablo Avenue (State Highway No. 14) in the Town of Emeryville, with the following crossing protection installation and plan:

Two 12-foot arm cantilever type electrically-operated automatic Standard No. 8 flashing light signals, construction of said signals and standards to be in substantial conformity, as to design and dimensions, with the drawing set forth in Exhibit "A", attached to the application filed in this proceeding, subject to the following conditions:

- (a) The flashing signals on each standard shall operate in both directions, making a total of 16 flashing signals at said Crossing No. 2K-10.8.
- (b) Said standards shall be of aluminum construction, or if made of other metal shall be coated with aluminum paint.
- (c) Trains and switching movements shall come to a full stop before proceeding over said crossing.
- (d) Trains and switching movements shall yield the right-of-way to approaching emergency vehicles.
- (e) In other respects said flashing light signal protection shall conform to the provisions of the Commission's General Order No. 75-B.

2. In all other respects Application No. 42771 is hereby denied.

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

Dated at San Francisco, California, this 31<sup>st</sup> day of MAY, 1961.

*Orville W. Page*  
 \_\_\_\_\_  
 President

*George H. Hoover*  
 \_\_\_\_\_  
 \_\_\_\_\_  
*Frederic B. Hilschoff*  
 \_\_\_\_\_

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.