

# Pedestrian Guards for Utility Crossings

by William A. Woolford, P.E.

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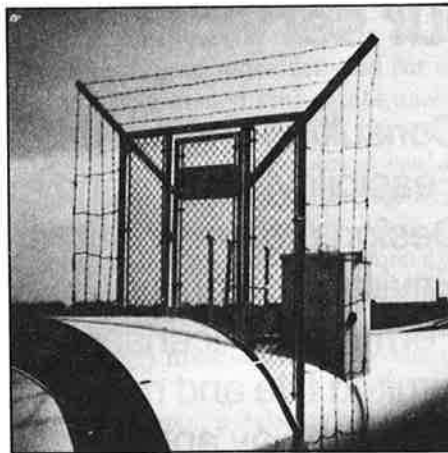
When a child (or an adult) climbs out on your Company's utility overcrossing, falls off and is injured, who will be sued? The answer, of course, is obvious: the Utility. As the Owner of the overcrossing, and the most visible (and prosperous) possible target, it doesn't take a legal genius to see the potential for liability on the part of the Utility Company which failed to provide adequate deterrents to the utilization of their "attractive nuisances" and thus contributed to the injury or death of the Plaintiff.

Many utilities companies utilize overhead crossings over roads, streams, canals or other obstructions to the natural course of transmission or distribution facilities. Whatever the nature of the specific facility — be it single or multiple pipes, conduits, or casings — it provides a convenient and attractive path by which children, fishermen, hunters and other unauthorized personnel may attempt to cross the obstacle. It is an especially attractive "nuisance" for teenagers. When someone uses the structure, the Utility Company may be liable for injuries which may ensue. Warning signs, prohibitions, barbed wire and admonitions may not protect the Utility from liability if they are inadequate to prevent access and

somebody is injured as a result.

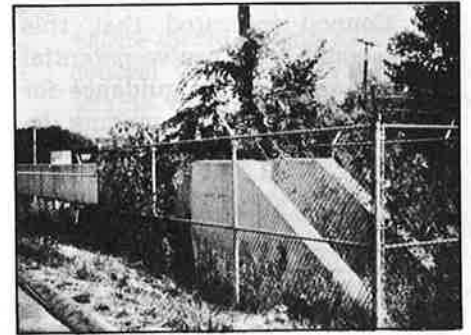
Many utilities companies recognize this danger and install pedestrian deterrent guards at each end of the structure. While the purpose of this guard is to prevent access to the overcrossing structure, unfortunately some are inadequate to their intended purpose.

Figures 1 - 4 inclusive show some approaches which utility companies have taken to solve this problem.

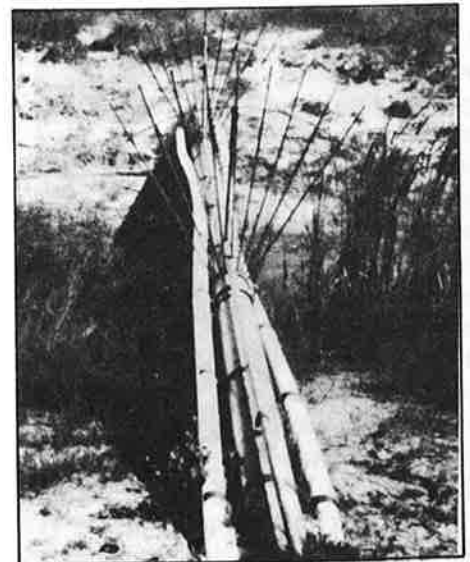


**Fig. 1:** Water conduit crossing where authorized access to the crossing by company personnel is required.

*This report was prepared for the International Utilities Committee. Woolford owns his own engineering and valuations consulting business in Denver, Colorado and is a member of Chapter 6.*



**Fig. 2:** Electrical conduit crossing surrounded by chain link fencing with barbed-wire security guard.



**Fig. 3:** Crude (and ineffectual) pedestrian deterrent which is readily violated without difficulty.

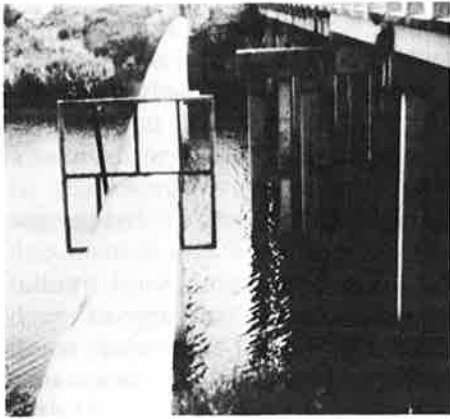


Fig. 4: This deterrent can be stepped over by an adult or easily climbed over by a child or teen-ager. Clearly an invitation to violation.

A recent case in the southeastern United States clearly demonstrates the gravity of the problem. A pipe crossing had been in place for many years. Pedestrian deterrents were attached at both ends of the pipe, and no accident had ever been reported at this location during the life of the crossing. Somehow, a child managed to get past the deterrent, fell from the pipe into the canal below, and drowned. A suit for damages against the Utility Company, alleging negligence on the part of the Company, was filed.

During the preparation of the Company's defense of the suit, a strenuous effort was mounted to attempt to demonstrate the adequacy of the design of the pedestrian deterrent. The subsequent investigation revealed that there was no standard accepted design for such a pedestrian deterrent anywhere in the United States. None of the agencies issuing overhead crossing permits were found to require the placement of such deterrents. Instead, the responsibility for the design and placement of such deterrents has been left to the individual permittees. Obviously, the Company's position in the litigation would have been significantly enhanced if the pedestrian deterrent on the overcrossing where the accident occurred had been of an accepted "standard" design.

There is an alternative to the design and installation of adequate pedestrian deterrents — and that is to construct the overcrossing as a

legitimate bridge. This, however, entails additional responsibilities on the part of the Owner — namely the construction and maintenance of the bridge in a manner that will keep it safe at all times. Any deterioration of the rails and/or bridge floor that results in injuries to the users of the bridge will surely result in liability and litigation. Obviously, the safer course of action is the development of an impassable pedestrian barrier.

Figures 5, 6, and 7 below show one form of pedestrian deterrent which has been developed by a utility company faced with the problem of guarding numerous canal and highway crossings in its service area.



Fig. 5: Crossing guard in place.

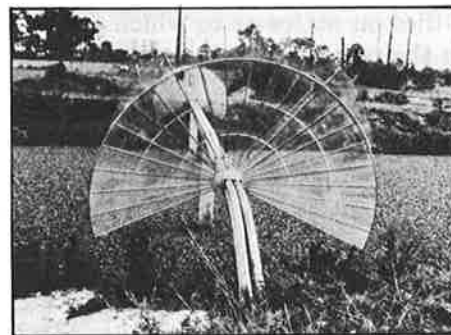


Fig. 6: End view of crossing guard - an obvious invitation to stay off the utility crossing.

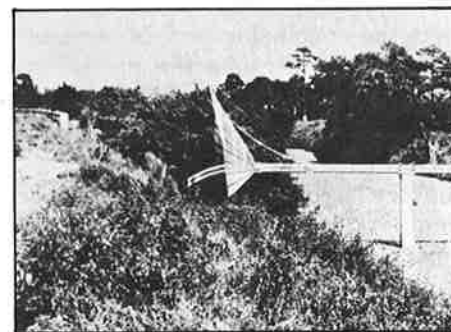


Fig. 7: Side view of crossing guard showing how access to the crossing could only be gained by extreme agility or the use of ladders.

The crossing guard shown in these photos is deemed by the author to

fulfill all of the design criteria mentioned earlier. It has been used for some time by one of our member companies with great success.

Members of the International Utilities Committee have assembled an extensive library of information relating to this subject. Members of the Committee stand ready to assist any Chapter or utility company which is interested in addressing its responsibilities in this important and sensitive area.

For more information, write today to:

Mr. Tommy Malone  
Georgia Power Company  
260 Peachtree Street  
Atlanta, Georgia 30302

## Lease *(cont. from pg. 9)*

- quate public notice to the community of the proposed leased-use of public property;
- Indication that fair market rental is the baseline for determining consideration to the public agency. Deductions will be considered only for clearly articulated public benefits;
  - Criteria for establishing the maximum term of the lease including the minimum time necessary to amortize the tenant improvements and the nature of the proposed operation.

On November 23, 1981, the City Council awarded a 30-month Option to Lease to the Friends of Winterclub. This was the first request for leased-use of city-owned property processed under the newly adopted policy. Staff analysis and recommendations regarding this specific request followed the draft policy accepted by the Finance and Public Works Committee as a convenient way to test the proposed policy. The success of processing this test case was a factor in the strong City Council acceptance of the Policy.