

ORIGINAL

Decision No. 17534

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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| In the matter of the application |) | |
| of the City of Fullerton for per- |) | |
| mission to construct a public high- |) | Application No. 9266 |
| way across track of The Santa Fe |) | |
| Railroad. |) | |

BY THE COMMISSION:

ORDER

Board of Trustees of the City of Fullerton, County of Orange, State of California, having on July 26, 1923, filed with the Commission an application for permission to construct a public street at grade across the track of The Atchison, Topeka and Santa Fe Railway Company, hereinafter called the Railroad, in said City of Fullerton, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the Railroad has signified by letter that it will not oppose the construction of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said track, and that the application should be granted subject to the conditions

hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted the Board of Trustees of the City of Fullerton County of Orange, State of California, to construct North Brookhurst Avenue at grade across track of the Railroad in the location shown on the map attached to the application, said crossing to be constructed subject to the following conditions; namely:

(1) The entire expense of constructing the crossing, shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by the Railroad.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of approximately seventy-seven (77) degrees to the Railroad and with grades of approach not greater than four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) An automatic flagman shall be installed and maintained for the protection of said crossing. Said automatic flagman shall be of a type and installed in accordance with plans or data approved by the Commission.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) The authorization herein granted for the installation of said crossing will lapse and become void one year from

the date of this order unless further time is granted by subsequent order.

(6) The crossing of North Brookhurst Avenue herein authorized shall be abandoned and closed to public use and travel on and after January 1, 1927 unless further time is granted by subsequent order.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

This order shall become effective three (3) days from the date of making thereof.

Dated at San Francisco, California, this _____ day of August, 1923.

C. S. Seaver

Dwight Martin

J. T. Whittier
Commissioners.