

Decision No. 18312

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
the City of Fullerton for an Order  
to make a permanent public highway  
across the track of the Santa Fe  
Railroad Company at Brookhurst Cross-  
ing, a permanent road.

Application No. 13405.

BY THE COMMISSION:

O R D E R

The Board of Trustees of the City of Fullerton, County of Orange, State of California, filed an application with this Commission on the 20th day of December, 1926, asking for authority to make permanent the crossing at grade of a public road, known as North Brookhurst Avenue, across a main line track of The Atchison, Topeka and Santa Fe Railway Company and on the 23rd day of February, 1927, filed a supplemental application asking for authority to construct crossings of said Brookhurst Avenue at grade across two side tracks and one spur track owned and operated jointly by The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company, in the said City of Fullerton, as hereinafter set forth.

It appears that the crossing of said Brookhurst Avenue with the main track of The Atchison, Topeka and Santa Fe Railway Company was heretofore authorized by this Commission in its Decision No. 12534, in Application No. 9266, and that the authority granted in said proceeding lapsed on April 1, 1927.

Both of said railroads have signified by letter that they have no objection to the construction of said crossings at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings with said tracks at the points mentioned in this application, and that this application should be granted, subject to the conditions hereinafter specified, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Board of Trustees of the City of Fullerton, County of Orange, State of California, to construct North Brookhurst Avenue at grade across a main track of The Atchison, Topeka and Santa Fe Railway Company and two side tracks and one spur track owned and operated jointly by The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company.

Said main track crossing of The Atchison, Topeka and Santa Fe Railway Company is located as shown by the map attached to Application No. 9,266, and shall be identified as Crossing No. 2-162.9.

The crossings of one of said side tracks and of said spur track are located at a point approximately two hundred and seventy-five (275) feet, measured northerly along the center line of said North Brookhurst Ave. from said main line crossing, and shall be identified as Crossing No. 2-162.95-C.

The crossing of the other of said side tracks is located at a point approximately five-hundred (500) feet, measured northerly along the center line of said North Brookhurst Ave. from said main line crossing, and shall be identified as Crossing No. 2-162.98-C.

Said crossings shall be constructed subject to the following conditions and not otherwise:

(1) The cost of constructing the crossings shall be borne as per agreement to be filed with the Commission for its approval. The cost of maintenance of those portions of said crossings outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of said main line crossing between lines two (2) feet outside of the outside rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company, and those portions of said joint track crossings between lines two (2) feet outside of the outside rails shall be borne jointly by The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company.

(2) Crossing No. 2-162.9 shall be constructed of a width not less than thirty (30) feet and at an angle of eighty (80) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed equal or superior to Standard No. 2 as specified in General Order No. 72 of this Commission; 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) Crossings No. 2-162.95-C and No. 2-162.98-C shall be constructed of a width of not less than twenty (20) feet and with grades of approach not greater than three (3) per cent; shall be constructed equal or superior to Standard No. 2 as specified in General Order No. 72; shall be protected by standard crossing signs and shall in every way be made safe for the passage thereover of vehicles or other road traffic.

(4) An automatic flagman shall be installed and maintained for the protection of said main line crossing No. 2-162.9. Said automatic flagman shall be of a type and installed in accordance with plans or data approved by the Commission. The cost of installation and maintenance of said automatic flagman shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

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

(6) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, 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 crossings 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.

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

Dated at San Francisco, California, this 3<sup>rd</sup> day of

May, 1927.

Ernest W. [Signature]  
H. B. [Signature]  
[Signature]  
Leon [Signature]  
Thos. S. [Signature]  
Commissioners.