

EMR.

Decision No. 21880

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

TWINING

In the matter of the application
of the County of Orange for an
order authorizing the construction
and maintenance of a crossing over
the Southern Pacific Railroad
Company's tracks and right of way
at Stanton Avenue, Buena Park,
Orange County, California.

Application No. 16036.

Z. B. West, District Attorney, for the Applicant,
Frank Karr and R. E. Wedekind, by R. E. Wedekind
for Southern Pacific Company, Protestant.

WHITSELL, COMMISSIONER:

OPINION.

The Board of Supervisors of Orange County filed the above entitled application with this Commission requesting authority to construct Stanton Avenue, at grade, across the tracks of Southern Pacific Company in the Town of Buena Park.

A public hearing in the above entitled matter was held at Santa Ana on November 8, 1929.

The Santa Ana Branch of the Southern Pacific Company, a single track line involved in this proceeding, extends in a southeasterly and northwesterly direction, and carries a traffic of four to six train movements daily at a speed of approximately 30 miles per hour in the vicinity of the proposed crossing.

Stanton Avenue extends in a north and south direction, and at the present time is not constructed between Southern Pacific Company's north right of way line and Ninth Street, located a distance of approximately 1,000 feet to the North of the Railroad.

Grand Avenue, a paved highway and the most heavily travelled Orange County highway, is constructed parallel to and approximately 1300 feet west of Stanton Avenue and its crossing with the railroad tracks is protected by a Standard No. 3 wigwag.

Orangethorpe Avenue, extending in an east and west direction, intersecting Stanton Avenue at a point approximately 2,000 feet south of the proposed crossing, is constructed across the railroad tracks at a point approximately 3,000 feet east of the proposed crossing.

Orangethorpe Avenue and Ninth Street eastward are the main routes to Anaheim and Fullerton respectively.

The territory adjacent to Stanton Avenue and north of the tracks has recently been subdivided, but as yet no building development has taken place. The territory adjacent to Stanton Avenue, south of the tracks, has been developed and a number of residences have been constructed.

The record shows that the main travel of the residents south of the tracks is to Fullerton consequently they are required to proceed westerly to Grand Avenue, thence northerly to Ninth Street and thence eastward to Fullerton. These residents may use Orangethorpe Avenue as a route to Fullerton, however, it is a half to three-fourths of a mile longer than the Ninth Street route.

Mr. Schumacher, Supervisor of Orange County, testified that if the grade crossing is authorized, Stanton Avenue would be constructed and improved from Artesia Street (2nd Street) on the north to the Coast Highway on the south, thereby not only affording a local convenience and necessity, but would serve as a by-pass to Grand Avenue consequently relieving that heavily travelled artery

of some of its through traffic.

A new grammar school was constructed at the corner of Stanton Avenue and 4th Street about two years ago so that pupils living along Stanton Avenue south of the tracks are required to utilize the Grand Avenue crossing, however, the record shows that many of these children use Stanton Avenue crawling through the right of way fence at the location of the proposed crossing.

Southern Pacific Company protested the granting of this application on the ground that Stanton Avenue at the present time was not constructed immediately north of the track and that the crossing may be requested only for the purpose of developing the subdivision north of the track. The railroad has, in addition to its branch line track, a spur track used principally for the storage of cars, constructed across the proposed crossing.

If this crossing is authorized contingent upon the condition that no cars be stored on said spur track for a distance of seventy-five (75) feet on either side of the center line of said crossing in order to maintain clear views, then approximately 150 feet of this spur will be unusable for the purpose it is now utilized. It would appear only just and reasonable that if this crossing were constructed, the County should be required to pay for the extension of said spur for a distance of 150 feet west so as to provide the railroad with storage facilities equal to those which now exist at that location or to pay the expense incident to the relocation of the spur track to some other convenient place.

From the record herein, I am of the opinion that public convenience and necessity for both local and through traffic will be subserved by the construction of the grade crossing proposed and that authority should be granted for its construction.

I recommend the following form of order.

ORDER.

IT IS HEREBY ORDERED that permission and authority be and it

is hereby granted to the Board of Supervisors of the County of Orange, State of California, to construct Stanton Avenue at grade across the tracks of Southern Pacific Company at the location particularly as shown by the map (Exhibit "A") attached to the application.

The above crossing shall be identified as Crossing No.

EK-504.9.

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

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of 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 Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than thirty (30) feet and at an angle of approximately sixty (60) degrees to the railroad and with grades of approach not greater than five (5) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by a Standard No. 1 crossing sign as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) A Standard No. 3 wigwag as specified in General Order No. 75 of this Commission shall be installed and maintained for the protection of said crossing. The cost of installing said wigwag

shall be borne by applicant. The cost of maintenance of said wigwag shall be borne by Southern Pacific Company.

(4) No train, engine, motor or car shall be stored on the spur track constructed across this crossing for a distance of seventy-five (75) feet on either side of the center line of said crossing.

(5) Applicant shall either pay the entire cost of extending the spur track one hundred and fifty (150) feet westerly or for the relocating of the present spur track to some other convenient point.

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

(7) If said crossing 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.

(8) 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.

The effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 7th day of December, 1929.

Wm. H. L. L. L.
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