

Decision No. 28144

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION  
OF THE COUNTY OF ORANGE FOR AN  
ORDER AUTHORIZING THE CONSTRUCTION  
AND MAINTENANCE OF A CROSSING OVER  
THE TRACKS AND HIGHWAY OF THE  
SOUTHERN PACIFIC RAILROAD COMPANY  
ON HANSEN STREET IN THE COUNTY OF  
ORANGE.

APPLICATION NO. 19698

**ORIGINAL**

W. E. Menton, Assistant District Attorney,  
Orange County, for Applicant.

C. W. Cornell, for Southern Pacific Company,  
Protestant.

BY THE COMMISSION:

OPINION

The above numbered application was filed by the Board of Supervisors of the County of Orange, seeking authority to construct Hansen Street at grade across the tracks of the Southern Pacific Company in the vicinity of Buena Park.

A public hearing was conducted on this application before Examiner Hunter at Los Angeles on May 29, 1955, at which time the matter was taken under submission.

Hansen Street is a rather important or potentially important county road which, with the exception of the proposed crossing over the railroad, extends in a northerly and southerly direction between Huntington Beach on the south and Manchester Avenue (Strestone Boulevard) on the north, a distance of about fourteen miles. There are, however, a number of offsets in this county road. The greater portion of this highway is improved with a macadam surface.

The record shows that in the vicinity of the proposed crossing the volume of traffic on Hansen Street is small, but it is applicant's contention that this condition results from the fact that in order to reach Artesia Avenue from the south, which is an important east-and-west artery located immediately north of the railroad, it is necessary to detour to the west along the railroad right-of-way a distance of about three hundred feet, involving two sharp turns. The proposed crossing will not only afford a right-angled connection with Artesia Avenue, but is an integral part of a plan to improve Hansen Street north from Artesia Avenue to a connection with Firestone Boulevard, a distance of some six hundred feet, and thereby provide a route for the heavy truck travel, which is now obliged to use Grand Avenue between the Huntington Beach oil fields and Firestone Boulevard. The Grand Avenue route passes through the business section of the town of Buena Park, and the county desires, in the interest of relieving congestion on the streets of this trading center, to provide the truck traffic an alternative route via Hansen Street. The boundary line between Orange and Los Angeles Counties is in the center of Hansen Street north of Artesia Avenue; therefore, the improving of the section of Hansen Street between Artesia Avenue and Firestone Boulevard would necessitate an agreement between the two counties.

Southern Pacific Company opposed the granting of this application, taking the position that a connection between Hansen Street and Artesia Avenue can be effected by constructing a highway about three hundred feet in length parallel to and immediately south of its right-of-way, thereby requiring the Hansen Street traffic to use an existing grade crossing on Artesia Avenue, BK-503.6, rather than build an additional grade crossing as proposed herein with its attending hazard and expense.

The railroad further contends that in the present condition the improved section of Hansen Street is narrow and that most of the traffic would continue to use Grand Avenue even though the Hansen Street crossing were opened, due to the fact that Grand Avenue is improved to a greater width as well as to a higher standard.

An estimate of the cost to construct the proposed crossing, based in rebuilding the track to provide a thirty-foot crossing, with new ties, rails, ballast and fifty-pound guard rail, with one signal, is \$2644.00, and it is Southern Pacific Company's contention that the public convenience and necessity for this crossing do not justify the expenditure of such a sum at this time together with future maintenance.

The district in the vicinity of the proposed crossing is comparatively level and the views are unobstructed. Rail traffic consists of the freight trains each way daily except Sunday, all movements being at right. Witnesses of both the county and railroad agree that if the crossing is constructed, it should be provided with one automatic crossing signal.

After carefully reviewing the record in this proceeding, it is concluded that while it could be physically feasible to effect a connection between Hansen Street and Artesia Avenue by constructing the road connection proposed by Southern Pacific Company, which is referred to above, and thus avoid constructing a new grade crossing, this plan would, due to the fact that it would necessitate constructing two sharp turns in the highway, result in an equally hazardous condition for the traveling public on this highway as would be the case if applicant's plan to install an additional grade crossing over this unimportant railroad was carried out, provided the new crossing is properly protected. It is apparent that with the improvement of Hansen Street between Artesia Avenue and Firestone Boulevard, public convenience and

necessity for the proposed crossing will justify its existence. Therefore the following order will so provide.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted, and now ready for decision,

IT IS HEREBY ORDERED that the Board of Supervisors of the County of Orange, State of California, is hereby authorized to construct Hansen Street at grade across the tracks of the Southern Pacific Company at the location more particularly described in the application and as shown by the maps (Exhibit "A") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. BK-503.6.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside the rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to the 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. Southern Pacific Company shall perform all actual work of constructing the crossing between lines two (2) feet outside of the rails.
- (3) The crossing shall be constructed of a width of not less than thirty (30) feet and at an angle of approximately sixty (60) degrees to the railroad, with grades of approach not greater than three per cent (3%), shall be constructed equal or superior to type shown as Standard No. 2 in General Order No. 72 of this Commission, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

- (4) A standard No. 3 wigwag, as specified in our General Order No. 75-A or some other type of automatic signal acceptable to this Commission shall be installed at the sole expense of applicant for the protection of said crossing of Hansen Street (Crossing No. BK-503.6). The maintenance of this protective device shall be borne by Southern Pacific Company.
- (5) Prior to the beginning of actual construction of the crossing authorized herein, applicant shall file with this Commission a certified copy of an agreement between it and the County of Los Angeles covering the improvement of Hansen Street between Artesia Avenue and Firestone Boulevard to a standard equal or superior to its present improvement on that section of the highway immediately south of the proposed crossing, and the crossing authorized herein shall not be opened to public use and travel until this improvement of Hansen Street between these points has been completed.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission in writing of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (7) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, 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 public convenience and necessity demand such action.

For all other purposes, the effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup>  
 day of August, 1937.

Leon A. Wilson  
M. A. Carr  
W. B. Harris  
W. H. [unclear]  
Dr. [unclear]

Commissioners.