

**ORIGINAL**

Decision No. 70949

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The Atchison,  
Topeka and Santa Fe Railway  
Company, a corporation, for  
authority to construct, maintain  
and operate a spur track across  
Artesia Avenue in the City of  
Fullerton, County of Orange,  
State of California. }

Application No. 47842  
(Filed August 25, 1965)

Averil D. Vallier, for applicant.  
W. F. Hibbard for the Commission staff.

O P I N I O N

An ex parte order on the above application was issued by this Commission on November 23, 1965 (Decision No. 70000). This decision authorized applicant to construct the requested crossing but ordered, among other things, protection by two Standard No. 8 flashing light signals.

On December 13, 1965, applicant filed a petition for rehearing specifically referring to the requirement of two Standard No. 8 flashing light signals at the crossing.

On January 11, 1966, the Commission issued an Order Granting Rehearing and on May 6, 1966, a rehearing was held before Examiner Rogers in Los Angeles. Evidence was presented and the matter was submitted.

Evidence by the Commission Staff

The location of the proposed spur track off the Santa Fe main line is west of Gilbert Avenue and across Artesia Avenue in the City of Fullerton. The track would cross Artesia Avenue

1,021 feet westerly of Gilbert Avenue and would serve Ador Corporation located on the southerly side of Artesia Avenue.

Artesia Avenue commences on the east at Gilbert Avenue in Fullerton and extends 25 miles westerly through the southern part of the Los Angeles Metropolitan Area terminating at Sepulveda Boulevard in Hermosa Beach. Between Gilbert Avenue and Dale Street, a north-south street approximately one mile west of Gilbert Avenue, property along the south side of Artesia Avenue is developed with industries and the Fullerton Municipal Airport. The applicant's right of way lies along the north side of Artesia Avenue between Gilbert Avenue and the prolongation of Magnolia Avenue, the first street west of Gilbert Avenue, with industries from the latter point to Dale Street. A spur track extends south from the right of way, crossing Artesia Avenue approximately 400 feet west of Gilbert Avenue.

The area north of the track along Gilbert Avenue is partially industrialized principally by a corporation known as Hughes-Fullerton at Malvern Avenue, the second street north of Artesia Avenue, and along Moore Avenue, a short street extending west from Gilbert Avenue between Malvern Avenue and Artesia Avenue.

Five additional Hughes-Fullerton or subsidiary plants are located on Artesia Avenue between Dale Street and Magnolia Avenue. The Hughes-Fullerton plant was placed in operation in 1958, expanded in 1960 and 1965, and further expansion is likely. Hughes-Fullerton now has 6,000 employees.

On October 30, 1965, the 24-hour count of vehicular traffic was 3,300 on Artesia Avenue west of Gilbert Avenue. A manual 14-hour count was made on April 12, 1966, between 6:00 a.m. and 8:00 p.m., and showed a total of 2,417 vehicles.

Traffic was below normal on Artesia Avenue on April 12, 1966, because the street was barricaded and being reconstructed between Dale Street and approximately Beach Boulevard in Buena Park, a distance of approximately 3/4 of a mile west of the proposed spur track. The physical characteristics of the proposed spur crossing of Artesia Avenue are as follows:

Physical Data at Proposed  
Artesia Avenue Spur Track Crossing  
No. 2-162.35-C

1. Number of tracks	1 Spur
2. Approaches	36 ft. wide
3. Approach grades	1 Percent or less
4. Protective devices:	
(a) Proposed by railway	2 No. 1 crossing signs (reflectorized)
(b) Staff recommendation	2 Standard No. 8 flashing light signals
5. Posted vehicle speed	35 miles per hour
6. Train speed	5 - 10 miles per hour
7. Vehicles per day	3,300 (Monday, 10-25-65)
8. Estimated vehicles per day- 1970	6,000
9. Train movements	4 - 6 per week
10. Sight distances	Unrestricted to the north Restricted to the south

Motorists' visibility of trains approaching the proposed crossing from the west would be restricted due to vehicles parked in front of the industry proposed to be served by the spur track.

The City of Fullerton estimates that vehicular traffic along Artesia Avenue between Gilbert Avenue and Dale Street

will be 6,000 vehicles per day in 1970.

The staff witness recommended that if construction of the spur track is authorized the order require that the crossing be protected by two Standard No. 8 flashing light signals and that the costs thereof be apportioned to the applicant.

Evidence by the Applicant

An assistant engineer in applicant's Engineering Department testified that he investigated the proposed crossing and crossing site; that Artesia Avenue is not a through traffic street; that a traffic count made by the City of Fullerton on January 14, 1966, showed a total of 4,185 vehicles per day; that if the spur track is authorized the estimated traffic thereover will be 16 rail cars per month; that there is an existing crossing at Artesia Avenue approximately 600 feet east of the proposed crossing; that this crossing is protected by Standard No. 1 crossing signs; and that such protection is adequate at the proposed crossing. The witness further testified that Artesia Avenue traffic travels approximately 25 miles per hour; that the trains in and out of the Ador Corporation will move from the existing track on the north side of Artesia Avenue down into the existing crossing east of the proposed crossing, pull forward over Artesia Avenue and cross the proposed crossing into the Ador plant; that there are now train movements in the existing crossing; and that the movements to and from the Ador plant will be added to those at the existing crossing.

The plant manager of the Ador Corporation testified that there will be approximately 12 to 15 rail cars per month

into the plant; that these movements will be made with one or two cars at a time; and that there is no obstruction to the view at the site of the crossing except parked cars.

On cross-examination the plant manager stated that at present rail shipments come in through a team track in the area; that in the week before the hearing the company received three cars at the team track; the prior week it received no cars; and the week before that it received two cars.

#### Findings

The Commission finds that:

1. The proposed crossing will serve one industry known as Ador Corporation which manufactures aluminum building products. This company will receive approximately 12 to 15 cars per month which will arrive in trains of one or two cars. In order to serve the plant it will be necessary to make two train movements across both the present and proposed crossing of Artesia Avenue for each delivery of a train to the plant, and the same number of movements to remove cars from the plant.

2. Traffic on Artesia Avenue moves approximately 35 miles per hour and the traffic volume at present is approximately 3,300 vehicles per day and this volume will increase to 6,000 vehicles per day in 1970.

3. Westbound motorists on Artesia Avenue will have a restricted view of the spur track due to vehicles parked on the south side of Artesia Avenue in the vicinity of the proposed spur crossing.

4. Applicant should be authorized to construct a crossing across Artesia Avenue as requested in the application. Public health, safety and welfare require that the crossing be protected as set forth in the order herein.

Conclusion

The Commission concludes that the crossing should be authorized and protected as set forth in the order herein.

O R D E R

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company is hereby authorized to construct one spur track at grade across Artesia Avenue in the City of Fullerton, Orange County, at the location described in the application, to be identified as Crossing No. 2-162.35-C.

2. Applicant shall bear entire construction and maintenance expense.

3. Construction of said crossing shall be equal or superior to Standard No. 2 of General Order No. 72, without superelevation and of a width of 36 feet, with tops of rails flush with the roadway and with grades of approach not exceeding one percent in accordance with plan attached to the application. Protection shall be by two Standard No. 8 flashing light signals (General Order No. 75-B).

4. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This

authorization shall expire if not exercised within one year unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 12<sup>th</sup> day of JULY, 1966.

Robert E. Mitchell  
President

George H. Trover

Friedrich B. Holhoff

Augustan

William L. Bennett  
Commissioners