

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
The People of the State of California)
in relation to the California Highway)
Commission for an order authorizing)
the construction of crossing over the)
Southern Pacific Railroad near Pismo,)
San Luis Obispo County, California.)

ORIGINAL

Application No. 10782.

Paul F. Fratessa for applicant.
E.C. Morrison and F.W. Mielke for Southern
Pacific Company.
John Norton, Asa Porter and Warren B. Burch
for Board of Supervisors, San Luis
Obispo County.

DECOTO, COMMISSIONER:

O P I N I O N

In this application, the California Highway Commission requests an order authorizing the construction of a crossing of the State Highway above the tracks of Southern Pacific Company at a point near Pismo, San Luis Obispo County, and apportioning the cost thereof.

A public hearing was held at San Luis Obispo on February 11, 1925, before Commissioner Decoto.

This highway is the main coast road between San Francisco and Los Angeles, and in its existing route crosses the main line track of Southern Pacific Company at grade immediately north of the railroad's station building at Pismo. Both the highway and the railroad carry a relatively large amount of traffic.

Descending from the West on a sharp grade, the highway crosses the tracks at an angle of about 45 degrees; thence turns abruptly to the north following the foot of the railroad embankment for several hundred feet. The station buildings, the rail-

road fill, natural topography, and trees and brush along the small water-way to the north of the crossing, all combine to obscure the view and increase the hazard at this grade crossing.

As a result of a survey of all State Highway crossings in California, made jointly by engineers representing the United States Bureau of Public Roads, the California Highway Commission, and the California Railroad Commission, a program of order of grade crossing elimination was recommended. The crossing herein considered was placed near the head of this list.

The Highway Commission now propose the construction of a new section of road as shown on Applicant's Exhibit No.1, which will shorten the highway and substantially improve its alignment and grade. By raising the grade by means of additional embankment and constructing a concrete bridge over the track, the hazardous grade crossing can be done away with. The total cost of this improvement is estimated at approximately \$140,000., of which amount it is estimated that some \$50,000. is required for the construction of the overhead crossing.

For the purpose of determining the basis on which a division of cost between the applicant and the railroad company can be made, a so-called "theoretical crossing over the railroad" has been agreed upon between the parties. This theoretical crossing is shown on Applicant's Exhibit No. 1, except that the clearance over the track is to be 25 feet instead of 23 feet, as indicated on the exhibit, and is briefly described as the difference between constructing the relocated highway over the tracks at grade and carrying it over the railroad on a bridge having 5 per cent grades of approach. It is agreed that the railroad company shall pay one-half the cost of this theoretical crossing, but, as the applicant has elected to improve the grade line of the highway by increasing the amount of the embankment, and neither the cross-

ing of the tracks at grade nor the 5 per cent grade line will be constructed, the actual cost of this theoretical structure will not be known. The amount which the railroad company shall contribute towards the project will therefore be determined by a supplemental order in this proceeding, based on the principle of an equal division of the estimated cost of the theoretical crossing; such estimated cost to be agreed upon, if possible, by the interested parties and filed as Applicant's Exhibit No. 3.

In order to improve its operating conditions, the railroad company declared its intention to raise its track at the point of crossing approximately three feet. To permit this future raising of the track without violation of the Commission's orders regarding clearances, the Highway Commission has agreed to construct the overhead bridge so as to provide a minimum clearance of 25 ft. above the present tops of rails.

The following stipulations were made by the parties at the hearing in this proceeding:

1. That public necessity requires the elimination of the existing grade crossing.

2. That the railroad bear one-half the cost of the theoretical overhead crossing as herein before more fully described, provided the present grade crossing be abolished, and provided 25 ft. clearance be given above the present top of rails of Southern Pacific Company track. This stipulation covers the increased cost caused by increasing the clearance from 23 ft. to 25 ft.

3. That an exhibit showing the estimated cost of the theoretical grade crossing as worked out by agreement between the parties and marked Applicant's Exhibit No.3, be later filed with the Commission and used as the basis of the final apportionment of cost to be determined by a supplemental order in this proceeding.

The County of San Luis Obispo made serious objection to the closing of the present grade crossing; it being contended that to close same would inconvenience certain residents and property owners east of the track and would also hinder the people of Arroyo Grande in reaching the Southern Pacific station and freight

platform at Pismo. The evidence shows that there are but three property owners and one actual resident who would be inconvenienced in reaching the State highway and the Town of Pismo by closing the crossing. It is also shown that the distance from Arroyo Grande to Oceano, a station on the railroad three miles south of Pismo, is approximately the same as from Arroyo Grande to Pismo; that the former is over a level road, while the latter has numerous grades and curves; that both roads are paved and that the freight facilities at Oceano are superior to those at Pismo. It appears, therefore, that the public convenience and necessity for the existing grade crossing does not warrant the continuance of such a hazard and menace to public safety and that the crossing should be closed.

The following form of order is recommended:

O R D E R

People of the State of California on relation of the California Highway Commission, having made application for an order authorizing the construction of a crossing above the tracks of the Southern Pacific Company at Pismo, San Luis Obispo County, and apportioning the cost thereof, a public hearing having been held, the matter having been submitted and now ready for decision,

IT IS HEREBY ORDERED that the People of the State of California on relation of the California Highway Commission be and they are hereby authorized to construct a crossing over the tracks of Southern Pacific Company at Pismo, San Luis Obispo County, as hereinafter specified, subject to the following conditions:

(1) Said crossing shall be constructed at a location approximately 750 ft. south of the existing grade crossing of the county road, said point of crossing to be approximately at Engineer's Station 9520+54.5 on the railroad.

(2) Said crossing shall be constructed substantially in accordance with the plan filed by applicant as Exhibit No. 2 in this proceeding, excepting that the minimum overhead clearance above the present top of rail shall be 25 feet. Said crossing shall be more specifically constructed in accordance with detail plans which shall hereafter be submitted to and approved by this Commission.

(3) The apportionment of the cost of constructing and maintaining said crossing shall be determined by a supplemental order to be hereafter made in this proceeding.

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

(5) 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.

(6) 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.

IT IS HEREBY FURTHER ORDERED that upon the completion of the overhead crossing over the railroad track and the connecting roadways and the opening of the relocated route to public use and travel, Southern Pacific Company at its own expense shall abolish the present grade crossing located at approximately Engineer's Station 9513+00, and effectively close same to public use and travel.

For all other purposes this order shall become effect--

ive twenty (20) days from the making thereof.

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 27th day of
February, 1925.

H. A. Brundage
W. A. Shaver
Egerton Shore
George D. Squires
Ernest Wood
Commissioners.