

ORIGINAL

Decision No. 19060

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Petition and Application of the County of San Luis Obispo, through its Board of Supervisors, for permission of said Commission to establish, construct and maintain an overhead crossing at a point along the Southern Pacific right-of-way 1216 feet northwesterly from Paso Robles Street in the Town of Oceano, San Luis Obispo County, and for permission to abandon and abolish the grade crossing across the right-of-way of the Southern Pacific Company and its yards at said Paso Robles Street.

) Application No. 14178.

BY THE COMMISSION:

ORDER

The Board of Supervisors of the County of San Luis Obispo, State of California, filed the above entitled application with this Commission on the 26th day of October, 1927, asking for authority to construct a public road from Front Street to Grand Pacific Boulevard over the tracks of Southern Pacific Company at a point about 1216 feet northwesterly from Paso Robles Street in the Town of Oceano, as hereinafter set forth, and to abandon the existing crossing at grade across said tracks at Paso Robles Street in said town. Said Southern Pacific Company has signified by letter that it has no objection to the construction of said overhead crossing and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is in the interest of public convenience and necessity that the separation of grades be constructed and the grade crossing be abandoned, 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 Supervisors of the County of San

Luis Obispo, State of California, to construct a public road over the tracks of Southern Pacific Company at a point about 1216 feet northwesterly from Paso Robles Street in the Town of Oceano, at the location hereinafter particularly described and as shown by the map attached to the application.

Description of Crossing

A strip of land 50 feet wide being 25 feet on each side of the following described center line:

Beginning at a point on the northeasterly right-of-way line of the Southern Pacific Company, said point being 107.2 feet northwesterly along said right-of-way line from the most southerly corner of Lot 1, as shown on that certain map entitled "Rio Vista Dell", filed in the office of the County Recorder of said County on August 31, 1927, in Map Book 3, page 98; thence on a curve to the left from a tangent which bears S 81° 28-3/4' W, a distance of 36.5 feet; thence S 74° 30 1/2' W, 54.2 feet; thence on a curve to the right from said last mentioned course, said curve having a radius of 300 feet, a distance of 23.93 feet to its intersection with the southwesterly right-of-way line of the Southern Pacific Railroad, said point being 855.06 feet southeasterly measured along said right-of-way from a brass capped monument at the southeasterly corner of Vista Del Encanto, as shown on a map thereof filed in the office of the County Recorder of San Luis Obispo County, California, on June 16, 1927, in Map Book 3, page 95; the intersection of the center line of the right-of-way of the said Southern Pacific Railroad with the center line of the hereinbefore described parcel is at Engineer's Station 9945+57 of the Southern Pacific Railroad Company's Survey.

The above overhead crossing shall be identified as Crossing No. E-265.7-A.

Said separation of grades shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the overhead crossing, excluding approach fills, shall be borne fifty per cent (50%) by applicant and fifty per cent (50%) by Southern Pacific Company, providing the cost to Southern Pacific Company shall not exceed \$9,680. The maintenance of the overhead crossing, ex-

cluding drainage along railroad right-of-way, shall be borne by applicant. The cost of maintaining said drainage shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said overhead crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) Said grade separation shall be constructed with clearances conforming to provisions of this Commission's General Order No. 26-C.

(3) Said overhead crossing shall be constructed in accordance with the detail plans filed with the application.

(4) The existing crossing at grade at Paso Robles Street shall be legally abandoned and closed to public use and travel upon the completion of said overhead crossing.

(5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said overhead crossing and closing of said grade crossing.

(6) If said overhead 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.

(7) The Commission reserves the right to make such further orders relative to the construction, operation and maintenance of said overhead crossing as to it may seem right and proper if, in its judgment, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 30 day of November, 1927.

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*C. J. ...*  
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*Leon ...*  
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*W. S. ...*  
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*M. S. ...*  
Commissioners.