

Decision No. 22341**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
the COUNTY OF SANTA BARBARA to change)	
a grade crossing over the Southern)	
Pacific Railroad through the Jesus)	Application
Maria Ranch from its present location)	No.16171
to a location further south.)	

W. L. Talbot and Owen H. O'Neill, for Applicant,
Roy G. Hillebrand, for Southern Pacific Company.

BY THE COMMISSION -

O P I N I O N

In this proceeding the County of Santa Barbara requests permission to change the location of an existing grade crossing over the tracks of the Southern Pacific Company in Rancho Jesus Maria to a location approximately one mile south thereof and approximately three miles north of the station of Surf, Santa Barbara County.

A public hearing on this application was conducted by Examiner Handford on March 21, 1930, at Santa Barbara.

North from Surf the railroad runs approximately parallel to and about one-quarter mile to the east of the shore line of the Pacific Ocean. From a point some three miles north of Surf the railroad runs through the lands of Rancho Jesus Maria for several miles. Lompoc Landing is located at a point approximately west of the existing grade crossing, and on the ocean side. This landing, before the advent of the railroad, was used as a shipping and receiving point for the surrounding country. It is now the purpose of Santa Barbara County to take over the landing area as a public park to be used by picnic and fishing parties.

The unfenced county road from the Lompoc District, located several miles inland from Surf to the ocean and the landing, runs through the property of said Rancho. It is the desire of the applicant and the management of the rancho to relocate and fence this road along the south property line of the rancho. This relocation would involve the establishment of a ~~crossing~~^{cross} at the point designated in the application.

Although the present road has been dedicated as a public road, the crossing over the railroad is private and has gates on each side of the right of way. The management of the rancho contends that the road in its present location, that is running through their property unfenced, is undesirable in that it divides their cattle ranges, whereas, if moved to the south it would be adjacent to their southern property line. It appears that it is to the best interest of the county and the rancho to have the road relocated.

In the event the new road is constructed, it is proposed to entirely fence and prepare the roadway for traffic as a dirt road only. The vehicular traffic at the present time is light and it is expected to continue so particularly due to the fact that the road would not be improved.

The railroad objected to the granting of this application on the grounds that the existing crossing was sufficient for the needs of the public; that the existing location was more suitable for a crossing than the proposed crossing; and that if public access to Lompoc Landing was necessary that a public road should be constructed south from the landing along the coast and to a connection with the Lompoc-Surf County Road. By this latter suggestion the road could cross under a railroad bridge and not at grade. To use this suggested route for the road, it would be necessary to construct a highway bridge across the Santa Ynez River which

empties into the ocean north of Surf. It would appear that while such a route would eliminate a crossing at grade, it would involve an expense for grading and bridge building which the county contended that it could not finance.

The location chosen for the proposed crossing is situated in a cut on the railroad with banks about five feet high above the top of rail. Adjacent to the east right of way line, a row of eucalyptus trees would materially obstruct the view of approaching trains; however, these conditions, affecting the hazard, can be improved by removing the trees and the material from the banks of the cut on the four corners of the crossing and, further, by the erection and maintenance of signs which will require vehicles to stop before crossing over the railroad. In view of this regulation, together with consideration of the small volume of vehicular traffic, it would not appear necessary to require the installation of any special protective signal.

After carefully considering the record in this proceeding, it appears that public convenience and necessity justify the granting of this application, provided the existing private grade crossing referred to above is closed, and it will be so ordered.

O R D E R

The County of Santa Barbara having made application for permission to construct a public road at grade across the track of the Southern Pacific Company on the Rancho Jesus Maria, a public hearing having been held, the Commission being apprised of the fact, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Santa Barbara, State of California, to construct a public road at grade across the track of Southern Pacific Company at the location as shown by the map attached to the application.

The above crossing shall be identified as Crossing No.E-300.0.

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 twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than six (6) per cent for a distance of at least one hundred (100) feet on either side of the crossing; 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- Said crossing shall not be opened to public use until applicant shall, by proper authority, cause to be erected on each side of said crossing appropriate signs, requiring all vehicles to stop before crossing over said crossing. Said signs shall be located so as to be easily visible by motorists approaching said crossing.
- 4- Upon the opening of the crossing herein authorized, the existing private crossing located approximately one (1) mile north of the crossing herein authorized shall be abandoned and effectively closed.
- 5- Applicant shall remove all trees within two hundred (200) feet of said crossing.
- 6- Applicant shall remove the earth banks on the four corners of the crossing so as to provide a clear view of an approaching train for a distance of not less than two hundred (200) feet from either side of the highway from a point fifty (50) feet on each side of the track. Material so removed shall be wasted so as to not interfere with the view of approaching trains.
- 7- Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.
- 8- 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.

9- 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 authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 15th day of April, 1930.

C. S. ...

W. S. ...

W. A. ...
COMMISSIONERS.