

Decision No. ✓ .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

Decision No. 2268

In the matter of the application of  
BOARD OF SUPERVISORS of San Luis  
Obispo County for permission to  
construct Corbett Canyon Road, in  
Road-District No. 7 of said county,  
at grade across the track of Pacific  
Coast Railway Company, in San Luis  
Obispo County, California.  
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Application No. 1504.

John Donovan and John F. Power, for applicant

J. M. Sims, for Pacific Coast Railway Company

GORDON, Commissioner,

O P I N I O N

This application was made, and the hearing was subsequently held, under section 2694 of the Political Code, as amended January 2, 1912, which requires that after viewers have been appointed to view a crossing which a county proposes to open, a certified copy of the petition requesting the opening of such crossing and of the order appointing viewers be submitted to the Commission and a hearing thereafter held, at which hearing the Commission shall hear the evidence and "determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation and maintenance, use and protection of said crossing."

The crossing which the Board of Supervisors of San Luis Obispo County desire to open across the track of the Pacific Coast Railway Company, and which is covered by this application, is a road known as the Corbett Canyon Road. This road at present is on the north side of the railroad track and is located in the bottom of the Corbett Canyon Creek wash, where the floods and high waters of recent years have made it impassable during certain seasons of the year. The Board of Supervisors of the County have secured new right-of-way on higher ground on the south side of the track and desire to relocate the road on this new right-of-way, crossing the track

twice, once on San Luis Obispo Road at an existing crossing and again at this proposed crossing.

From inspection on the ground and from the testimony of witnesses at the hearing I am satisfied that it is essential that the Corbett Canyon Road should be relocated, and that the crossing at the point applied for, should be made. The representative of the Railway Company took the attitude that the crossing was needed and offered no objection to the application being granted.

There are no obstructions to the view at any of the four corners of the intersection of the proposed road and the railroad; train service is infrequent and no protection is needed at this time other than the usual crossing sign.

With the abandonment of the road on the north side of the track it will be necessary for the Railway Company to fence the right-of-way on that side of the track, and the representative of the Company stated that this would be done. With the construction of this fence it will also be necessary to construct cattle guards for the crossing, and in accordance with the verbal agreement between the representatives of the County and the Railway Company, I will recommend that the expense of the construction of these cattle guards be borne by applicant.

Immediately east of this proposed crossing is a private crossing to reach the property of Mrs. J. Brown. It is so close to the proposed new crossing that when this latter crossing is opened I believe that this private crossing should be abandoned and replaced by a short road from the new Corbett Canyon Road to serve the convenience of Mrs. Brown. If, however, Mrs. Brown does not desire to have it closed, and there is a right-of-way agreement which requires it to be kept open, I believe a gate should be placed on the north side of the crossing and that this gate should be kept closed.

I recommend the following form of order:-

O R D E R

BOARD OF SUPERVISORS, San Luis Obispo County, California, having on January 19, 1915, filed with the Commission an application for permission to construct Corbett Canyon Road, in Road District No. 7 of said County, at grade across the track of Pacific Coast Railway Company, in San Luis Obispo County, California, and a public hearing having been held at which all interested parties were represented, and it appearing that the desired crossing is necessary, and that this application should be granted,

IT IS HEREBY ORDERED, That this application be and the same is hereby granted subject to the following conditions, viz.:-

(1) This crossing shall be constructed of a width not less than eighteen (18) feet, with grades of approach not exceeding six (6) per cent, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(2) The entire expense of constructing the crossing, together with the necessary wing fences and cattle guards shall be borne by applicant.

(3) The cost of maintaining the crossing thereafter in good and first-class condition for the safe and convenient use of the public shall be borne by applicant up to two (2) feet of the rails of Pacific Coast Railway Company. The cost of maintaining this crossing between the rails and to two (2) feet outside thereof shall be borne by Pacific Coast Railway Company.

(4) The present private crossing immediately east of this proposed crossing shall, if possible, be closed and abandoned. If this is not done the Pacific Coast Railway Company shall install a gate along its right-of-way on the north side of this private crossing and this gate shall be kept closed.

(5) The Commission reserves the right to make such further orders relative to the location, construction, 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 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 31st day of March, 1915.

Max Thelen  
J. H. Whelan  
John Gordon  
Stanley R. Rehm

Commissioners.