

Decision No. \_\_\_\_\_

# ORIGINAL

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA

Decision No. 4946

In the Matter of the Application  
of the People of the State of  
California on the relation of the  
Department of Engineering for an  
order authorizing the construction  
of a state highway grade crossing  
over the tracks of the Pacific  
Coast Railway Company at Miles in  
San Luis Obispo County, California;  
and also at a point four miles  
south of San Luis Obispo, in San  
Luis Obispo County, California.

Applications No's 3065, 3066.

Walter C. Howe, Division Engineer for applicants  
J. M. Sims, for The Pacific Coast Railway Co.  
E. W. Black, Chairman, for Board of Supervisors

BY THE COMMISSION:

### O P I N I O N.

Above applications are for an order authorizing applicant to construct the State Highway at grade across the tracks of The Pacific Coast Railway Company at Miles, about 9 miles south of San Luis Obispo, and also at a point about 4 miles south of San Luis Obispo, both in San Luis Obispo County, and for the abandonment of the old crossing near these points. The applications suggest that an automatic bell at each crossing would be desirable.

A public hearing upon both applications was held by Examiner Westover at San Luis Obispo on December 4th.

At the point of crossing at Miles described in Application No. 3065, the railway extends east and west along the north bank of San Luis Obispo Creek. The high-

way from the south extends northerly at substantially a right angle with the railroad and crosses it about 200 feet north of the bridge over said creek. After crossing the railroad the highway extends easterly substantially parallel with the railroad for a distance of several miles.

Approaching the crossing from the south at the north end of the bridge, there would be a clear view of the track for a distance of about 1500 feet to the east, but for a group of willows; and a clear view of the track to the west of the crossing for about 250 feet, but for another group of willows. About one-fourth of the willows referred to in each instance are on the railway right of way and about three-fourths on adjoining private property. The railroad management and the Board of Supervisors of the county say they will co-operate in having these willows removed.

Approaching the crossing from the east there is a view of the crossing for about 600 feet, obstructed only by a warehouse standing on the right of way about 275 feet east of the crossing. The railroad management promises to remove the warehouse as soon as the present crop of grain and beans now stored in it are removed.

At present the railroad company has an order in force providing that trains approaching the crossing from the west shall be under full control and capable of being stopped within 100 feet. The management is willing to put in force a similar rule governing westbound trains until the warehouse in question is removed.

At the point of crossing about four miles south of San Luis Obispo, described in Application No. 3066, the railway and highway extend substantially north and south along a narrow valley at the base of low hills to the west, and are

substantially parallel, the railway track being crossed by the highway at a sharp angle. The highway is at a higher elevation than the railway to the south of the crossing, affording a good view of the railroad for a distance of 1000 feet or more in each direction. There is an equally good view of the highway from the cab of a locomotive, a bank of earth between the highway and the tracks to the south of the crossing being so low as to offer no obstruction to the view. The parties agree that no protection is needed at this crossing, other than the crossing signs already installed, and none at the Miles crossing if the willows are cut and warehouse removed or slow order put in force.

The railroad company operates but one train a day between San Luis Obispo and Port San Luis, on which portion of the road both of the above crossings are located, and at a maximum speed of 15 miles per hour. Trains pass over the above crossings in the middle of the day only.

The former crossing at Miles was located about 300 feet west of the present crossing, and the former crossing about four miles south of San Luis Obispo was located about 1600 feet south of the present crossing. Both of these earlier crossings have been abandoned and are closed to the public.

#### O R D E R

IT IS HEREBY ORDERED, That permission be hereby granted the People of the State of California, on relation of the Department of Engineering, to construct two crossings at grade over the tracks of The Pacific Coast Railway Company; the first located at Miles, and the second at a point about

four miles south of San Luis Obispo in San Luis Obispo County, California; and to be located as shown by the maps attached to the applications; said crossings to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings, with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant, except that portion between the rails and two feet outside thereof, which shall be maintained by the Railway Company.

(2) The Railway Company shall move the warehouse located near the crossing at Miles to a point at least 500 feet distant therefrom, and until said warehouse shall be moved, west-bound trains shall not exceed a speed of five (5) miles per hour over the crossing.

(3) The grade crossings located respectively about 300 feet west of the said Miles crossing and about 1600 feet south of the said crossing located about four miles south of San Luis Obispo shall be abandoned and closed to the use of the public.

(4) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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.

Dated at San Francisco, California, this 13<sup>th</sup> day of December, 1917.

Max Thelen  
H. D. Howland

Edwin C. Egerton  
Franz K. Klobner  
Commissioners.