

ORIGINAL

Decision No. 6002

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the )  
COUNTY OF SANTA BARBARA to construct )  
and maintain highway crossings over the )  
railroad right of way and track of the )  
Pacific Coast Railway Company in the )  
County of Santa Barbara. )

Application No. 4081.

E. W. Squires, District Attorney, for applicant.  
J. M. Sims, Superintendent, for Pacific Coast  
Railway Company.

GORDON, Commissioner.

O P I N I O N

This is an application, filed September 16, 1918, in which the County of Santa Barbara desires to abandon two road crossings on the Pacific Coast Railway Company, one of which is a grade crossing and the other an undergrade crossing under a railway trestle. In place of these two crossings the County desires to establish two grade crossings within short distances of the crossings abandoned. The grade crossing which is to take the place of the present grade crossing is marked "A"; the grade crossing to take the place of the undergrade crossing is marked "B", on the map accompanying the application.

A public hearing was held in Santa Barbara on December 12, 1918. It appears that the survey for the proposed changes was made about December, 1917. In May, 1918, the Commission was notified by the Pacific Coast Railway Company that the County of Santa Barbara had torn down the right of way fences and started construction of a

grade crossing in place of the undergrade crossing mentioned above, without first having obtained the permission of the Commission, thus violating Section 43 of the Public Utilities Act. At the same time, notice was served on the County of Santa Barbara by the railway company, notifying them that the permission of this Commission was necessary before the crossings could be installed. After this notification, the Commission found it necessary to write the County twice before this application was filed.

At the hearing the County of Santa Barbara was only able to bring forward one witness, Mr. Owen H. O'Neil, the county engineer. The Supervisors, through neglect or otherwise, failed to appear at the hearing.

The testimony submitted shows that the relocation of the crossings in question was desired by the County on account of the relocation and improvement of the County Highway from the State Highway near Zaca to Los Olivos. This highway has been laid out in accordance with the best engineering practise, easy grades and light curves being substituted for the heavy grades and sharp curves of the old road. This is especially true of that portion of the road in the vicinity of the crossings at "A", as shown on the map filed with the application. The Pacific Coast Railway Company is not opposed to the change in location of the crossings at "A". The testimony shows that the view of the railroad tracks east of the crossing can be much improved by cutting down the bank on the northeast corner, as far back as the railroad right of way fence at the roadside and tapering to a point about seventy-five feet down the track. I believe that this change in location of the crossing at "A", between Engineer Stations 56 plus 00 and 57 plus 00, as shown on the highway map filed with the application, should be allowed and shall so recommend in the order following this opinion.

In regard to the change in crossings at "B", as shown on the aforementioned map, it appears that the County has abandoned a

crossing under a railroad bent and has installed a grade crossing about one hundred fifty feet distant. The reason given is that the road approaching the trestle, from the Los Olivos or east side of the crossing, runs around the toe of a hill on a very sharp curve in close proximity to the trestle, so that a traveler is unable to see the undergrade crossing until about one hundred feet away and is unable to see the traffic approaching in the opposite direction until within eighty feet of the opening. It appears that only one trestle bent is used for travel and, under present conditions, vehicles are unable to pass each other therein, which renders the subway dangerous. This is borne out by the fact that advance signs have been installed on the roadside warning travelers that they are approaching a subway. The ground at this point is very steep, so that the ground level, in the two trestle bents adjoining the roadway bent, is at a considerable difference in elevation from that of the roadway. The adjoining bent, on the east side, cannot very well be used, as this would shove the westbound traffic into the hill still farther out of sight and would render the curve on the east side very much sharper.

The proper thing to do seems to be to cut away the toe of the hill at the sharp curve on the east side and widen the roadway, by wasting it over the side. The trestle bent on the west side of the one now in use could be filled to the same level and the earth could be held in place by a short concrete wall, so that the trestle timbers would not be decayed, or else, the bent could be shortened and set on the top of the concrete wall. In this way, two roadways would be established, the view opened up and the bad curve somewhat lightened.

I believe that, if the suggestions mentioned above had been carried out, the County would not have spent any more money in improving this section of the old road than it did in grading the new road in this vicinity. The two roads could easily have been joined

farther east. In that case, the public would have had the use of a safe undergrade crossing, instead of being forced to use a rather dangerous grade crossing.

In view of the above and taking into consideration the fact that this Commission has spent much time and money in making a survey of the grade crossings of the state, in an effort to improve traffic conditions; and having tried, wherever possible, to install a separation of grades in place of existing crossings, I do not see my way clear to grant that portion of the application which petitions that a grade crossing be installed in place of an existing undergrade crossing, and I therefore recommend that that portion of the application be denied and that the County of Santa Barbara be allowed three months' time to abandon the grade crossing they have constructed in violation of the law and to realign their roadway so as to use the two bents of the railway trestles as an undergrade crossing, as previously suggested.

I recommend the following form of order:

#### O R D E R

THE COUNTY OF SANTA BARBARA having, on September 16, 1918, applied to this Commission for permission to abandon two highway crossings over the right of way and tracks of the Pacific Electric Railway Company, one of said crossings being a grade crossing and the other an undergrade crossing, and to establish two grade

crossings in lieu thereof; a public hearing having been held and it appearing that that portion of the application covering the abandonment and establishment of the grade crossings at a point marked "A", as shown on the map accompanying the application, should be granted and that that portion relating to the abandonment of an undergrade crossing and the establishment of a grade crossing at "B", as shown on the above-mentioned map, should be denied;

IT IS HEREBY ORDERED, That the COUNTY OF SANTA BARBARA be and the same is hereby granted permission to abandon and close the grade crossing on the old county road and to establish a new grade crossing over the right of way and tracks of the Pacific Electric Railway Company, on the new county highway near Engineer Station 56 plus 00, as shown at the point marked "A" on the map attached to the application; said crossing to be constructed subject to the following conditions, viz.:

(1) The entire expense of constructing the new crossing and abandoning the present crossing shall be borne by applicant. The cost of the maintenance of the new crossing in good and first-class condition, for the safe and convenient use of the public, shall be borne by applicant, except for that portion between the rails and two (2) feet outside thereof, which shall be borne by the Pacific Electric Railway Company.

(2) The applicant shall, at its own expense, cut down and remove the shoulder of the hill on the northeast corner of the crossing, for the width of the railroad right of way at the side of the new road and narrowing down to a point about seventy-five (75) feet east on the railroad right of way, in order to open up the view at this point.

(3) Said crossing shall be constructed twenty (20) feet in width and of a type to conform to that portion of the highway now built, with grades of approach <sup>not greater than</sup> / eight (8) percent; shall be

protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(4) 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 FURTHER ORDERED that that portion of the application covering the abandonment of the undergrade crossing and the establishment of a grade crossing near Engineer Station 107 plus 00, at a point marked "B" on said map, be and the same is hereby denied.

IT IS FURTHER ORDERED that the grade crossing constructed by the County of Santa Barbara at the above-mentioned point "B" be removed within three (3) months from date of this order, and that the original road through the trestle, modified in construction to conform to the remainder of the new highway, be rehabilitated along the lines suggested in the foregoing opinion, so as to form an undergrade crossing with two passages, one for eastbound and one for westbound traffic.

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 21st day of December, 1918.

Edwin O. Edgerton  
H. J. Woodard  
James L. ...  
Stanley ...

Commissioners.