

ORIGINAL

Decision No. 38612

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the Board of Supervisors of THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, for authorization to construct a public highway across a railroad.) Application No. 26821

JOHN P. GALLAGHER, Deputy District Attorney, for Applicant

JAMES D. FISHER, for Interested Property Owners

E. E. KLECK, Supervisor, San Luis Obispo County.

R. S. MYERS, for Southern Pacific Company, Protestant

BY THE COMMISSION:

O P I N I O N

In this application the County of San Luis Obispo desires to install an additional crossing over the main line tracks of Southern Pacific Company in the unincorporated town of San Miguel.

A public hearing was held in this matter before Examiner Hall on December 20, 1945, at which time the matter was submitted.

The coast line of Southern Pacific Company operates through the town of San Miguel in a general northerly and southerly direction. The State highway (U.S. 101) is adjacent to and west of the railroad right of way. On the west side of the State highway is located the business district of the town and west thereof a residential area. To the east of the railroad there has developed a residential area, auto courts, trailer camps, and a small hotel.

There are now three grade crossings over the railroad in San Miguel. At the southerly end of the town 11th Street crosses the track; proceeding northerly the next crossing is at 14th Street, about 1,500 feet north of 11th Street; and 700 feet north of 14th Street is a third crossing which does not connect up with the street.

system of the town.

It is the proposal of applicant to construct 12th Street at grade across the tracks one block north of 11th Street, at which point three tracks would be involved, viz., the main line, a passing track, and a house or team track. The depot and water tanks of the railroad are located just a short distance north of the proposed crossing.

Applicant contends that the new crossing is necessary to provide a direct outlet from the area east of the railroad to the State highway and the business district, and that the heaviest built-up section west of the railroad is along 12th Street.

Proponents for the opening of the crossing contend that the use of the two existing crossings at 11th and 14th Streets to reach their area is inconvenient as it is necessary to cross the railroad and then proceed along the road east of the railroad to 12th Street, either from the 14th Street crossing or the 11th Street crossing, and further that the view of approaching trains is obstructed at both 11th and 14th Street crossings, particularly at 11th Street where a railroad cattle corral is in place at the southeast corner of the intersection. Interested parties signified that they were agreeable to the closing of the 11th Street crossing in the event 12th Street was opened across the tracks.

Applicant made it distinctly understood that if the application is granted it will bear no portion of the cost as it has no funds for that purpose. Two of the property owners east of the railroad signified that they were willing to pay for the crossing if the cost were nominal.

Southern Pacific Company strenuously opposed the granting of the application on the grounds that there were sufficient crossings to handle the traffic in San Miguel at the present time and that the establishment of a crossing at 12th Street would interfere with railroad operation as it would restrict the use of the passing track and

require in many instances the cutting of freight trains using this passing track. The opening of the crossing would restrict the use of the house or team track as, in the vicinity of the proposed crossing, this track is used for unloading directly into trucks.

The railroad introduced traffic checks to show the amount of train movements through San Miguel over the various crossings in that town. (1) No survey of vehicular traffic was made. The record indicates that this traffic is relatively small.

Southern Pacific Company also signified that it was unwilling to bear any of the cost of construction of the crossing should the application be granted.

After weighing all of the evidence we are convinced that the area east of the railroad is amply served by the existing crossings and that the expense (2) involved in establishing the new crossing and its protection and closing 11th Street would not be commensurate with the small amount of advantage derived; and furthermore, the cost would be in excess of the amount the property owners would be willing to provide. We therefore conclude that the application should be denied and it will be so ordered.

O R D E R

A public hearing having been held and the matter being under submission;

(1) Trains passing through San Miguel:

Nov. 15, 1941 Nov. 15, 1945
 (Ex. No. 4)

Passenger	16	13
Freight	11	10

(2) Cost of crossing	\$ 460.00	(Ex. No. 6)
Cost of Protection	\$ 9,000.00	(Ex. No. 5)

IT IS HEREBY ORDERED that Application No: 26821 be and it is hereby denied.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 15th day of January, 1946.

Harold Rudman
Justus F. Craven
Francis Carr
Irish Powell
Harold P. Huls
Commissioners