

Decision No. 22942

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
The County of San Luis Obispo, a
political subdivision, for extension
of temporary crossing over the tracks
of the Southern Pacific Company.

} Supplemental
} Application No. 22942

CLAUDE ARNOLD, for the Board of Supervisors of
San Luis Obispo.

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

BAKER, COMMISSIONER:

O P I N I O N

By the above designated Supplemental Application No. 22942, the County of San Luis Obispo prays that the Railroad Commission issue an appropriate order whereby to continue in effect that certain order of September 19, 1939, which authorized the construction and maintenance of a temporary crossing over the main line tracks of the Southern Pacific Company at Dolores Avenue in the vicinity of Atascadero, County of San Luis Obispo, California.

A public hearing with respect to the said supplemental application was held at the City of San Luis Obispo, California, on July 19, 1940, at which time the matter was submitted for decision.

The said crossing, situate about one-half mile north of the Atascadero Station, serves as a short segment of a traffic channel connecting Atascadero lying on the westerly side of the main line tracks of the Southern Pacific Company and a comparatively small area or subdivision known as the River Gardens, adjacent to

and on the easterly side of the said railway tracks. This subdivision is bounded on the east by the Salinas River and on the south by Atascadero Creek. By reason of the setting indicated, traffic to and from River Gardens must necessarily cross either the railroad track or Atascadero Creek.

Prior to the effective date of the said order of September 19, 1939, the only means of access to the said River Gardens for vehicular traffic was along the southern bank of the Atascadero Creek via a public road which, at one point, dips under the Southern Pacific Company railway bridge where it spans the said creek. At a point almost immediately beyond the railroad right-of-way, on the easterly side thereof, a highway bridge connects the said highway with the streets of River Gardens.

Due to the ravages of the flood conditions of 1939, it became necessary to replace the said highway bridge with a new structure. The immediate effect of the indicated damage to the said bridge was to isolate completely the River Gardens area. Consequently, the Railroad Commission, responsive to an appropriate application by the County of San Luis Obispo, issued an order through Decision No. 32341, as of September 19, 1939, authorizing the construction and maintenance of the said temporary crossing at Dolores Avenue, subject to the proviso, however, that such authorization be deemed temporary, in that it should apply only during the reconstruction period of the said highway bridge, such period not to exceed one year, and that the said temporary crossing be abandoned and closed upon the completion of the new bridge.

San Luis Obispo County now requests, through the said Supplemental Application No. 22942, that, as an extension of the authority heretofore granted, continued use of the said temporary crossing be permitted until such time as the underpass beneath the

Southern Pacific Company bridge shall have been widened and otherwise improved, or until provision be made to relieve the River Garden district by means of a new highway. It is alleged, and it is established of record herein, that the said underpass along the bank of the Atascadero Creek is flooded at times of high water, that it is so narrow as to be unsafe for traffic and that the sharp curves at the approaches constitute a continuous hazard. The testimony of the record not only shows that the River Gardens district is, under existing circumstances, completely marooned during periods of freshet, but also stresses the hazard such state of isolation would present in the event of fire or serious illness involving residents of the River Gardens district.

With reference to the question of distance traversed between the business center of Atascadero and River Gardens, it was stipulated of record that the said two routes are virtually identical.

On the other hand, it should be noted that the said temporary crossing, which is the only other means of access to River Gardens, is appreciably below the level of standard requirements of safety. Visibility is poor, the view of approaching trains to the north being obscured by certain buildings and tanks of an oil distributing station, by the banks of the railway cut, and by the fact that there is a curve in the railway track a short distance north of the crossing. As the approach grades to the crossing are somewhat steep, all vehicles must come to a complete stop or be held to a very low rate of movement when approaching the railroad tracks in order to avoid a positive hazard. Therefore, if this crossing be permitted to remain in use, special protective devices should be installed, such as a wigwag or flashing light signals.

It would appear, however, that the amount of the cost of such protective equipment could be more prudently invested by applying it to the improvement of the said passage way under the railway bridge

by making it both passable and safe at all times, or, perhaps, a more suitable location for an underpass might be found. It appears from the record that the public road, of which the existing underpass is a part, is a state highway. It also appears that it is not unlikely that the California Division of Highways may before long elect to construct a better and a modernized crossing. In any such event, the temporary grade crossing under construction should be abandoned. In the meantime, as hereinbefore indicated, it will serve, as it has been and is now serving, a local convenience, particularly during periods of storm, with attendant high water, which periods, according to the evidence, are not infrequent of occurrence. I suggest, therefore, that before any action be taken whereby to require an abandonment of the said temporary crossing under said order of September, 1939, the County of San Luis Obispo be given full opportunity thoroughly to investigate the feasibility of providing for the improvement of the conditions at such grade separation. Such suggestion may be made effective by and through an extension of the said Order of September, 1939, until the further Order of the Commission. The Order hereinafter set forth will provide accordingly. With consideration for such desired extension, San Luis Obispo County should understand that the Railroad Commission will expect that an earnest effort be made by the county whereby to eliminate the objectionable features which obtain at the said underpass.

The following form of Order is recommended.

SUPPLEMENTAL ORDER

The County of San Luis Obispo, the applicant herein, having applied for an extension of time within which to maintain a temporary grade crossing, identified as Crossing No. E-226.0, heretofore authorized in this proceeding through Decision No. 23341, dated September 19, 1939, a public hearing having been held, and the matter submitted and being now ready for decision,

IT IS HEREBY ORDERED that the time limit so fixed by the Order in Decision No. 32341 for maintaining the said Crossing No. E-226.0 is hereby extended until the further Order of the Commission.

IT IS HEREBY FURTHER ORDERED that this proceeding be, and it hereby is, held open for the entry of such further order or orders as the Commission may deem proper in the premises.

The foregoing Opinion and Supplemental Order are hereby approved and ordered filed as the Opinion and Supplemental Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 24th day of August, 1940.

Ray & Riley
Charles E. Ryan
Robert W. W. W.
Justice J. Green
Commissioners