

ORIGINAL

Decision No. 37703

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)	Supplemental
of Temporary Crossing over the tracks)	Application No. 22942
of the Southern Pacific Company.)	

BY THE COMMISSION:

SECOND SUPPLEMENTAL ORDER

In the original application in this proceeding San Luis Obispo County was authorized to construct a temporary grade crossing at Dolores Avenue, Atascadero, as a detour route across the main line of Southern Pacific Company during the reconstruction of a highway bridge across Atascadero Creek, said period of use not to exceed one year. This authority was granted in September, 1939, and the bridge subsequently rebuilt. In February, 1940, the county filed supplemental application requesting that the temporary crossing be continued until such time as an existing underpass crossing with the tracks on the permanent highway route could be widened or relocated. At the hearing on the supplemental application it developed that this underpass was on a state highway; that the structure was narrow, unsafe for certain traffic, and during periods of high water in Atascadero Creek, impassable; that there was a probability that the underpass would be reconstructed or relocated; and that pending such outcome the temporary grade crossing should be continued. The Commission accordingly made its Decision No. 33437 on August 24, 1940, extending the time limit for maintaining the crossing until further order of the Commission and holding the proceeding open for such further order as the Commission might deem proper.

The Decision carried the admonition to the county, however, that it make an earnest effort to eliminate the objectionable features at the underpass in order to permit closing of the grade crossing.

On August 7, 1941, Southern Pacific Company filed a petition alleging that the County of San Luis Obispo had failed to take appropriate action with respect to the improvement of the underpass and requesting that the Commission terminate the time limit for use of the temporary grade crossing. This petition has been pending since that date.

During war emergency conditions there is little likelihood that priorities can be secured for reconstruction of the existing underpass or that the Division of Highways will be in a position to relocate its highway at this point. Therefore, it appears desirable to dismiss the petition of Southern Pacific Company but to limit the time for the maintenance and use of the temporary grade crossing to one (1) year from the date hereof.

Good Cause Appearing, IT IS HEREBY ORDERED that the time limit for maintaining the temporary crossing of Dolores Avenue, Atascadero, with the main line tracks of Southern Pacific Company (Crossing No. E-226.0) heretofore authorized in this proceeding is limited to one (1) year from the date hereof unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED that the petition in Supplemental Application No. 22942, filed by Southern Pacific Company on August 7, 1941, is hereby dismissed without prejudice.

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

Dated at San Francisco, California, this 6th day of March, 1945.

Harold Ordway
Justin F. Craven
Richard Tackie
Frederick W. Clark
James H. Dwyer