

ORIGINALDecision No. 53850

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the City of San Luis Obispo,)
County of San Luis Obispo, State)
of California, for an order author-)
izing the improvement of a cross-)
ing at separate grades of Johnson)
Street and the Southern Pacific)
Company.)

Application No. 35806

Petition of the City of San Luis)
Obispo under Section 1206 of the)
California Public Utilities Code)
for an Order fixing the Just Compen-)
sation, if any, to be paid by the)
City for an easement for a widened)
underpass under the tracks of the)
Southern Pacific Company in said)
City, and for a final Order of)
Condemnation.)

Application No. 37125

Commission investigation into the)
safety, maintenance, operation, use)
and protection of crossings of)
public highways and the lines of the)
Southern Pacific Company in the)
City of San Luis Obispo, County of)
San Luis Obispo.)

Case No. 5755

William M. Houser, Jr., for the City of San Luis
Obispo, applicant and respondent;
H. C. Grundell and Harry Murphy for the County of
San Luis Obispo, respondent in Case No. 5755;
Randolph Karr for the Southern Pacific Company,
defendant, respondent and protestant;
W. R. Roche and James K. Gibson, for the
Commission's Staff.

O P I N I O N

On September 23, 1954, the City of San Luis Obispo filed an application requesting an order of this Commission authorizing the rebuilding of the Southern Pacific Company's Johnson Street Underpass located in said city and the apportionment of cost applicable thereto.

On July 12, 1955, the City of San Luis Obispo filed an application requesting an order of this Commission fixing the just compensation to be paid by the city for an easement for widening the above-mentioned underpass and for a final order of condemnation. On August 16, 1955, the Commission issued an order to show cause why it should not proceed as requested in the latter application. On April 10, 1956, after a public hearing, the Commission issued an Interim Order wherein it overruled the objections set forth in the written return to the order to show cause filed by the Southern Pacific Company and denied its motion to dismiss the application.

On April 24, 1956, the Commission issued an order instituting an investigation on its own motion into the safety, maintenance, operation, use and protection of various crossings of public highways and the lines of the Southern Pacific Company in the City of San Luis Obispo. Included among the crossings was the Johnson Street Underpass.

These matters were consolidated for the purpose of hearing and public hearing was held thereon before Commissioner Untereiner and Examiner Daly at San Luis Obispo and San Francisco. The matters were taken under submission at San Francisco on August 29, 1956.

Exhibit No. 2 consists of an estimate prepared jointly by the City of San Luis Obispo and the Southern Pacific Company which indicates that the approximate cost for widening and reconstructing the Johnson Street Underpass with double track abutments would be \$173,980. Exhibit No. 4 sets forth in metes and bounds the legal description of the easement that would be required.

During the course of hearing the Commission's staff introduced Exhibit No. 7 in evidence. It contained a study of each crossing and the staff's recommendation applicable thereto. The staff had no recommendation with respect to Peach Street Overpass (Crossing No. E-251.1-A), Mill Street Overpass (Crossing No. E-251.2-A), Monterey Street Underpass (Crossing No. E-251.35-B) and Marsh Street

(Crossing No. E-251.5). It recommended that the following crossings be closed: Hathway Avenue (Crossing No. E-250.8), Palm Street (Crossing No. E-251.3), and Higuera Street (Crossing No. E-251.4). It also recommended that the Fairview Avenue Overpass (Crossing No. E-251.8-A) be removed. It further recommended that the Foothill Boulevard (Crossing No. E-250.5) be widened to the standard 24-foot width and that the pavement between the three tracks and two feet outside of the outside rail of the outside tracks be rehabilitated completely. It suggested that the lower branches of the palm trees along California Avenue be trimmed. The staff was of the opinion that Orcutt Road (Crossing No. E-253.3) should be widened to 24 feet in width; that two #8 Flashing Light Signals should be installed and that the present #1 signs should be repainted at once.

The two crossings that were primarily in issue were the Johnson Street Underpass (Crossing No. E-251.7-B) and Osos Street (Crossing No. E-252.1). The staff recommended that Johnson Street be reconstructed and enlarged to standard horizontal and vertical clearances. It also recommended that Osos Street be closed and a pedestrian underpass provided or if not closed that a flagman be provided on a 24-hour basis.

The Johnson Street Underpass is only 14 feet wide and 10 feet high and permits only one vehicle at a time to pass through the opening. The structure has a ballast deck and is constructed with wooden stringers on stone abutments. It is used to a great extent by vehicles destined to the City and County Hospital, the Junior High School, the High School and the Junior College. It is also used to a considerable extent by school children. Because of poor visibility of approaching vehicles, the limited clearance and the danger to pedestrians the underpass in its present form constitutes a definite hazard.

The Osos Street Crossing is 33 feet wide and about 140 feet long. The Southern Pacific Company maintains seven yard tracks and two main line tracks at this crossing. During a twenty-four hour check conducted by the staff 966 vehicles and 86 pedestrians made use of the crossing. During the same period there were 147 trains movements over the crossing which resulted in the crossing being blocked for more than three hours. Visibility at this crossing is poor. The approach grade is ascending 8 per cent from the west and descending 6 per cent from the east.

The Southern Pacific Company conducts extensive switching operations at the Osos Street Crossing and because of the hazards involved desires it closed. The City, on the other hand, introduced the testimony of various city officials and residents who testified against the closing of Osos Street. Although the Police and Fire Departments make use of Osos Street, they are aware of the fact that Osos Street is often blocked and the Johnson Street Underpass is frequently used instead. Residents felt that it would be an inconvenience if they were required to travel the additional distance to the Johnson Street Underpass. They were also of the opinion that it would have a depressing effect on property values. The record shows that if closed residents of approximately 109 houses easterly of the tracks and southerly of Essex Street would have to travel from 0.0 to 0.70 additional miles from their homes to the intersection of Monterey Street and Osos Street in the downtown area. Although the crossing is inherently dangerous there have been relatively few accidents in the past. Many of the witnesses were of the opinion that the residents of the area are aware of the dangers involved at the crossing and therefore approach it with great caution.

After consideration the Commission is of the opinion and so finds that public convenience and necessity and public safety

require that the Johnson Street Underpass should be widened as provided in Exhibits Nos. 2 and 3 in this proceeding, that the Osos Street Crossing should be closed entirely and that the staff's recommendations in Exhibit No. 7 should be carried out in connection with the other crossings. The Commission further finds that in connection with the cost applicable to the widening and reconstruction of the Johnson Street Underpass the Southern Pacific Company should contribute the sum of \$120,000; that because improvement to the underpass will expedite travel to and from various county facilities the County of San Luis Obispo should contribute 10 per cent of the remainder, or \$5,398, and that the balance of the cost of the project should be contributed by the City of San Luis Obispo.

A motion made during the course of hearing for the dismissal of Application No. 37125 will be granted.

O R D E R

Application having been filed, public hearing having been held and the Commission having been informed in the premises,

IT IS ORDERED:

1. That the City of San Luis Obispo be authorized and it hereby is directed to reconstruct and widen the Johnson Street Underpass (Crossing No. E-251.7-B as provided in Exhibits Nos. 2 and 3 in this proceeding.

2. That in apportioning the cost therefor the Southern Pacific Company shall pay \$120,000, the County of San Luis Obispo shall pay \$5,398 and the City of San Luis Obispo shall pay the balance.

3. That when work on the Johnson Street Underpass has been completed the Southern Pacific Company at its sole expense shall do the following:

- (a) Remove, abolish, barricade, physically close and make safe the Fairview Avenue Overpass (Crossing No. E-251.8-A).

- (b) Physically close, abolish, barricade and make safe the following crossings; Higuera Street (Crossing No. E-251.4), Palm Street (Crossing No. E-251.3), Hathway Avenue (Crossing No. E-250.8), Osos Street Crossing (Crossing No. E-252.1):

4. That the Southern Pacific Company shall at its sole expense widen the crossing at Foothill Boulevard (Crossing No. E-250.5) to at least 24 feet in width and shall rehabilitate the pavement in the entire crossing between the three tracks and two feet outside of the outside rail of the outside tracks.

5. That the City of San Luis Obispo shall at its sole expense trim the lower branches of the palm trees which line California Avenue in the vicinity of Foothill Boulevard (Crossing No. E-250.5).

6. That the Southern Pacific Company shall at its sole expense widen the crossing at Orcutt Road (Crossing No. E-253.3) to at least 24 feet in width and shall install two #8 Flashing Light Signals in place of the single #3 wigwag.

7. That the Southern Pacific Company at its sole expense shall repaint the #1 Crossing Sign at Orcutt Road (E-253.3)

8. That the City of San Luis Obispo at its sole expense shall repaint the "R X R" signs on the pavement and the double white pavement stripes, said stripes to be painted no closer than 10 feet from the nearest track at the crossings at Marsh Street (Crossing No. E-251.5) and Foothill Boulevard (Crossing No. E-250.5).

9. That the County of San Luis Obispo at its sole expense shall repaint the "R X R" signs on the pavement and the double white pavement stripes at the Orcutt Road crossing (Crossing No. E-253.3); said stripes to be painted no closer than 10 feet from the nearest track.

10. That within thirty days thereafter the parties hereto shall give the Commission written notice of the completion of all said construction, closing, and removal; and of their compliance with the conditions hereof.

11. That Application No. 37125 is hereby dismissed without prejudice.

12. That the work herein authorized shall be completed within the time limit shown as follows:

<u>Paragraph Number</u>	<u>Time Limit for Completion From Effective Date of Order</u>
1, 3,	2 years
4, 5, 8, 9	60 days
6	120 days
7	30 days

13. That the Secretary is directed to cause a certified copy of this decision to be served personally upon an authorized representative of the City of San Luis Obispo, the County of San Luis Obispo and the Southern Pacific Company.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 1st day of 1 OCTOBER, 1956.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners