

**ORIGINAL**

Decision No. 67527

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION OF THE COUNTY OF )  
MONTEREY, STATE OF CALIFORNIA )  
TO ABOLISH PUBLIC GRADE CROSS- )  
ING E-172.1 ACROSS RIGHT OF WAY )  
OF THE SOUTHERN PACIFIC RAILROAD )  
(MONTEREY STREET IN SAN LUCAS, )  
CALIFORNIA). )

Application No. 46338  
(Filed March 31, 1964)

Bruce W. McClain for the County of Monterey.  
Randolph Karr, for Southern Pacific Company,  
intervenor and interested party.  
Eugene Peterson, for the local residents,  
as protestants.  
Kenneth G. Soderlund, for the Commission  
staff.

O P I N I O N

This application requests that Monterey Street grade crossing in San Lucas be abolished as a public crossing as required by public safety.

Public hearing was held before Examiner Rowe in San Lucas on May 28, 1964. Evidence was introduced by the County and by protestants and on said day the matter was duly submitted for decision.

Exhibit No. 1 is a certified copy of a resolution of the Board of Supervisors authorizing this application in accordance with the above recommendation to the Commission. Affidavits of posting notice of the application and hearing on May 13, 1964, and of publication on May 7, 1964, were introduced. Three railroad experts testified that the crossing was dangerous and not required by public convenience and necessity, because of limited visibility and the

fact that in this area freight trains operate at speeds of 50 to 65 miles per hour and passenger trains at 79 miles per hour. The crossing is not needed due to its proximity to Crossings Nos. E-167.2 Wildhorse Canyon to the northwest and E-172.5 State Highway Route 10 to the southeast. This grade crossing is protected by two Standard Number 8 flashing light signals.

The protestants claimed that the State Highway Route 10 crossing was also dangerous because of its proximity to U. S. Highway 101. Also, they were of the opinion that this Grade Crossing No. 172.1 was well known to the local people and since they realized the danger, it presented no hazard for them and was needed as an alternate route for fire and emergency vehicles. This opinion, while it had questionable value for the use by local people, must be considered as having no probative value as showing that the public generally was not in imminent peril when using this crossing. Heavy equipment over 10,000 pounds gross weight is now prohibited by the county.

The Commission is of the opinion that the fact that one existing crossing is dangerous does not justify the continuance of another very dangerous grade crossing. In addition the evidence indicates that this State Highway will soon be moved and that a grade separation in the general area will eliminate the danger near Crossing No. E-172.5.

The Commission finds that there is no material public need for Crossing No. E-172.1 and that its use by the public creates an unreasonable hazard for the public. The Commission concludes that this grade crossing should be abolished by physical closing.

ORDER

IT IS ORDERED that Southern Pacific Company shall close the Grade Crossing No. E-172.1 in San Lucas, Monterey County to all vehicular traffic within ten days after the effective date of this order by constructing fences or other proper barriers.

IT IS FURTHER ORDERED that within thirty days thereafter applicant and said railroad company shall give the Commission written notice of the completion of such closure.

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

Dated at San Francisco, California, this 14th day of JULY, 1964.

Frederick B. Holcomb  
President

John E. Patchell

William W. Brown

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

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Commissioners

*I concur in the order.*

*George T. Grover*