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ORIGINAL

Decision No. 75237

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of San Luis Obispo, a political subdivision of the State of California, for permission to construct an emergency public crossing at grade across existing tracks of the Southern Pacific Company's main line located at the easterly extension of Dolores Avenue in the Town of Atascadero.

Application No. 50318
(Filed June 14, 1968)

Norman A. Sheer, for County of San Luis Obispo, applicant.
Harold S. Lentz, for Southern Pacific Company, protestant.
Robert E. Bouchet, for the Commission staff.

O P I N I O N

The County of San Luis Obispo has applied to construct an emergency crossing over Dolores Avenue in the River Gardens area of Atascadero. It is alleged that this area of 94 homes has a single access road which spans Atascadero Creek with a narrow wooden bridge. It is further alleged that a washed-out or damaged bridge would cut off the access route and isolate River Gardens for an indefinite period. The application advises that the proposed emergency crossing is to be used only if the present access route is blocked or impassible. The emergency crossing will be closed otherwise by a permanent barrier consisting of a locked gate. The Southern Pacific Company protested the application and it was set for hearing.

Public hearing was held before Examiner Fraser at San Luis Obispo, on November 20, 1968, and the matter was submitted. The applicant presented all the evidence. The other appearances merely questioned the applicant's witness and provided short statements for the record.

The County Road Commissioner testified that River Gardens has 300 residents, 94 homes, two rest homes and a church; it is triangular in shape; bounded on the east by the Salinas River, on the west by the Southern Pacific tracks and on the south by Atascadero Creek. He testified the only road into the area crosses the creek by means of an 85 foot timber bridge supported by three wooden bents in the creek bed and past experience indicates a washout may occur if severe storms wash debris down against the supports of the bridge; the single road into River Gardens passes under the Southern Pacific tracks about 300 feet from the bridge over Atascadero Creek; the underpass is in a deep creek bed which is low enough to submerge the road in heavy rains; an auto accident on the bridge or its near approaches would undoubtedly halt traffic as effectively as a severe storm. A mechanical counter installed by the County from October 30 to November 5, 1968 registered approximately 1,000 vehicles a day over the bridge. The witness advised these factors prompted the County to apply for the emergency crossing. He stated the crossing will be 32 feet wide and is to be closed by a locked gate. The key will be located at a County maintenance station about a half mile away from the crossing. The crossing will not be paved across the tracks unless it becomes necessary to open the crossing. In this event the paving material will be trucked to the crossing and installed, then removed after the need for the crossing has passed. The County advised that a watchman will be posted at the emergency crossing at all times, while it is in use.

Counsel for Southern Pacific Company stated that if the Commission determined that the proposed emergency and temporary crossing were a necessity the railroad would offer no objections to issuance of an order containing conditions similar to the conditions outlined in "Appendix A" of Decision No. 73093, dated September 19, 1967 in Application No. 46011 regarding a temporary emergency crossing of Hammonton Road over the Southern Pacific Company track, Crossing No. C-193.3, in Yuba County.

The County of San Luis Obispo and Southern Pacific agreed to the conditions as set forth in Appendix A attached hereto and made a part hereof as being applicable on the subject proposed crossing.

Findings of Fact

1. River Gardens is a residential area located north of Atascadero in San Luis Obispo County.
2. River Gardens is bordered by the Salinas River, the tracks of the Southern Pacific Company and Atascadero Creek.
3. Access is by a single road which enters over an 85 foot wooden bridge spanning Atascadero Creek.
4. The bridge is susceptible to damage, washout or being blocked by an auto accident or malfunction.
5. Auto travel over the bridge approximates 1,000 vehicles a day.
6. Another access road should be provided to be available in the event that the present route is blocked.
7. County of San Luis Obispo should be authorized to open the Dolores Avenue Crossing to public use and travel only on an emergency and temporary basis under the conditions set forth in the order which follows.

8. The crossing number of the nearest existing crossing to the north of said proposed crossing is E-225.1; the number of the nearest existing public crossing to the south is E-227.7; the number of the Dolores Avenue Crossing will be E-226.0

9. The Dolores Crossing should be protected by a watchman at all times while it is open to the passage of vehicles.

10. Applicant should assume all expense for the construction of the crossing.

We conclude that the application should be granted as provided in the order which follows.

O R D E R

IT IS ORDERED that:

1. County of San Luis Obispo is authorized to open the Dolores Avenue Crossing (E-226.0) to public use and travel only on an emergency and temporary basis under the conditions set forth in Appendix A hereto, which appendix by this reference is made a part hereof.

2. In the event that it is decided to open the Dolores Avenue Crossing on an emergency and temporary basis under the authority conferred by numbered paragraph 1 hereof, County of San Luis Obispo and Southern Pacific Company are authorized to install facilities for such crossing under the conditions set forth in said Appendix A.

3. The expense of constructing, maintaining, opening and closing the Dolores Avenue Crossing shall be paid by the County of San Luis Obispo.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 21st day of JANUARY, 1969.

William J. Quinn
President

Augusta

Frank P. Moussey

Thomas Moran

Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

CONDITIONS GOVERNING THE OPENING
OF DOLORES AVENUE CROSSING ON AN
EMERGENCY BASIS

1. The Board of Supervisors of San Luis Obispo County or the County Road Commissioner shall declare that an emergency exists.

2. The crossing shall be protected by a County employee properly equipped to control traffic during the time the barricades are removed and the crossing is open to travel.

3. The Southern Pacific Company shall be notified immediately by the County whenever the crossing may be opened.

4. The Commission shall be notified in writing within ten days of each opening of the crossing, together with the date and time opened, the duration of opening and the reason therefor.

5. The crossing shall be closed and barricaded as soon as the emergency has passed.

6. After an emergency has been declared to exist as provided in numbered paragraph one above and before the crossing is opened to traffic, the County of San Luis Obispo and Southern Pacific Company shall place paving material in the crossing in such manner as to provide safe and convenient passage of two lanes of traffic over the railroad track.

7. After the emergency is over and the crossing has been closed, the temporary paving material shall be removed from the crossing area at County expense.