

Decision No. 81140

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of EDWARD O. STABEN, JR.,  
GEORGE A. UHRICH, WILLIAM T. KELLEY,  
SANGER C. HEDRICK, FRANK P. STABEN,  
RICHARD THOMAS BARTON and PATRICIA  
CADDELL BARTON, to secure a private  
roadway crossing.

Application No. 53257  
(Filed April 10, 1972)

ORDER MODIFYING DECISION  
AND DENYING REHEARING

A petition for rehearing of Decision No. 80767 having been filed by the applicants in the above-entitled matter, the Commission having considered each and every allegation thereof and being of the opinion that said decision should be modified, and being further of the opinion that good cause for rehearing has not been made to appear,

IT IS ORDERED that Decision No. 80767 is modified as follows:

(1). Insert after paragraph 2 on page 2 of the mimeograph decision the following language:

"Applicant Staben testified that there are no improvements on the property (Tr. 12), that there are no utilities on said property (Tr. 27), that he has no agreement with the other applicants as to the future development of the property (Tr. 33), that the property is now zoned for a single-family dwelling although there are no plans for such a single-family dwelling (Tr. 51) and that he has not requested a zone variance (Tr. 54)."

(2) Delete the third sentence of paragraph 1 on page 3 of the mimeograph decision and insert the following language in lieu thereof:

"Applicants can gain access to their property over a road through Refugio Beach State Park connecting with an unimproved right-of-way. The S.P. witness testified that four-wheel drive vehicles or a tractor could traverse this right-of-way in its present condition and in some places an automobile could move over it. A gully at one point prevents the use of passenger vehicles. The right-of-way could be improved to provide a roadway by scraping off weeds but construction at the gully would be required at a cost of approximately \$1122. (Tr. 74-76.)"

(3) Delete Finding 3 at page 4 of the mimeograph decision and insert the following finding in lieu thereof:

"3. An existing road connecting with an unimproved right-of-way, which may be traversed by four-wheel drive vehicles or a tractor, provides applicants with a suitable means of access to their property, the use of which does not presently require access by passenger vehicles."

IT IS FURTHER ORDERED that rehearing of Decision No. 80767, as modified herein, is hereby denied.

Dated at San Francisco, California, this 13<sup>th</sup> day of MARCH, 1973.

Vernon L. Sturgeon  
President  
William Symons Jr.  
J. P. Mahan  
Commissioners

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