

CE

Decision No. 87941 OCT 4 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of San Luis Obispo through its Board of Supervisors, for an order authorizing the conversion of a private crossing at grade across the main line of Southern Pacific Transportation Company, being crossing No. E-232.6 (Asuncion Road), into a public crossing. )  
Application No. 57035  
(Filed January 27, 1977)

O P I N I O N

The County of San Luis Obispo requests authority to convert the private crossing of Asuncion Road at grade across the tracks of the Southern Pacific Transportation Company in San Luis Obispo County to a public crossing.

Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. Applicant alleges that the project is categorically exempt from the requirements of CEQA pursuant to Title 14 (Natural Resources), Division 6, Section 15101 of the California Administrative Code, because "the change in designation will not effect any change in the use of the crossing."

The existing terrain, together with the five-inch superelevation of the railroad tracks, makes it impossible for applicant to install the roadway surface to conform substantially to the plane of the rails for the entire area between lines two feet outside of the rails. The crossing should, therefore, be exempted from the requirements of Paragraph X of General Order 72-B.

Notice of the application was published in the Commission's Daily Calendar on January 23, 1977. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to convert the private crossing of Asuncion Road at grade across the tracks of the Southern Pacific Transportation Company's Coast Main Line in San Luis Obispo County to a public crossing, at the location and substantially as shown by the revised plans attached to the application, to be identified as Crossing E-232.6.
2. Construction of the crossing should be equal or superior to Standard No. 1 of General Order 72-B. In consideration of the terrain and the superelevation of the tracks, the crossing should be exempt from Paragraph X of General Order 72-B.
3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.
4. Protection at the crossing should be one Standard No. 9-A automatic gate-type signal with cantilever and one Standard No. 9 automatic gate-type signal, (General Order 75-C).
5. Construction expense of the new crossing and installation cost of the automatic protection should be borne by the applicant. The cost of removing the existing crossing should be borne by the railroad.
6. Maintenance of the crossing should conform to General Order 72-B. Maintenance cost of the automatic protection should be borne by the applicant pursuant to the provisions of Section 1202.2

of the Public Utilities Code.

7. Construction plans of the crossing, approved by the Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

### O R D E R

IT IS ORDERED that:

1. The County of San Luis Obispo is authorized to convert the private crossing of Asuncion Road at grade across the Southern Pacific Transportation Company's Coast Main Line in San Luis Obispo County to a public crossing, as set forth in the findings of this decision.

2. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This

authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

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

Dated at San Francisco, California, this  
4<sup>th</sup> day of OCTOBER, 1977.

Robert Rabinovich  
President

Vernon L. Sturgeon  
Richard D. Howell

Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.