

Decision No. 78371

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California Department of General Services for an Order Authorizing the Reconstruction of Mt. Bishop Road (Crossing No. E-250.0-B) Under the Southern Pacific Transportation Company's Plate Girder Bridge, Structure No. 249.97.

Application No. 51718
(Filed February 20, 1970;
Amended March 9, 1970
and September 23, 1970)

No appearance for Dept. of General Services,
State of California.

Harold S. Lentz, Attorney at Law, for Southern
Pacific Transportation Company, respondent.

E. Douglas Gerard, Executive Dean, for California
State Polytechnic College, and

David F. Romero, City Engineer, for the City of
San Luis Obispo, interested party.

M. E. Getchel, for the Commission staff.

O P I N I O N

The Department of General Services filed this application to reconstruct the Mount Bishop Road crossing (Crossing No. E-250.0-B), which passes under a Southern Pacific Transportation Company plate girder bridge. The crossing will be improved along with the construction of a new entrance road from State Highway One (1) to the California State Polytechnic College at San Luis Obispo. The new road will have four lanes and sidewalks, with an extra lane for farm implements, when it is completed. The original application advised that the railroad bridge is only 12 feet 6 inches above the crossing, which is less than the 15-foot vertical clearance required by the Commission's General Order No. 26-D. The application was amended on March 9, 1970 to provide a description of the warning device to be installed to warn approaching drivers of the impaired

vertical clearance. The application was further amended on September 23, 1970, and a specific request was made for a variance from the vertical clearance of 15 feet required by General Order No. 26-D. It was noted that the position of the creek under the bridge makes it impossible to provide any more vertical clearance. The safety issue prompted the Commission staff to request a hearing, which was held on January 6, 1971 in San Luis Obispo, before Examiner Fraser.

Applicant was not represented at the hearing. Applicant's representative in Sacramento was contacted by a long distance telephone call, and he advised he did not consider it necessary to appear since all issues were already settled. He further advised that any questions could be answered by the college representative, who would be at the hearing. Counsel for the Southern Pacific Transportation Company made a motion to dismiss the proceeding due to the absence of applicant and the consequent lack of presentation of applicant's case. The motion to dismiss was denied. The parties who were present, including Southern Pacific, agreed upon the signs and warning devices to be installed.

Findings

Based upon the evidence the Commission finds that:

1. Applicant should be authorized to improve the Mount Bishop Road crossing as provided in the application.
2. The improved crossing will provide four 12-foot wide vehicle lanes, two 6-foot wide sidewalks and a 12-foot lane for tractors on the north side of the vehicle lanes.

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3. The position of Brizzolari Creek and the triple box culvert under the roadway which contains the creek will not allow more than 12 feet 6 inches of vertical clearance between the bridge and the roadway.

4. Applicant should be authorized to deviate from the 15-foot vertical clearance required by General Order No. 26-D.

5. The devices to warn of the restricted clearance should consist of chains hanging from a horizontal wire extended across the roadway, the chains to hang 12 feet 6 inches above the road.

6. The poles supporting the right side--as the crossing is approached from each direction--of the overhead warning devices should have a flashing yellow warning light above a sign which will be identical to the standard W64R sign pictured in the Division of Highways Planning Manual. These poles shall be at sufficient distances from the crossing to give adequate warning to approaching vehicles.

7. A large reflectorized sign warning of the impaired vertical clearance should be placed on each side of the bridge. These signs will be identical with the standard sign provided in the Planning Manual of the Division of Highways.

8. Additional signs warning of the impaired vertical clearance should be placed by the California State Polytechnic College at the intersection of Mount Bishop Road and State Highway No. One (1), and at any other intersection where large trucks are likely to cross or enter the road leading to the Mount Bishop Road crossing.

Conclusions

The Commission concludes that:

1. Crossing No. E-250.0-B at Mount Bishop Road in San Luis Obispo should be widened and improved.
2. Applicant should be authorized to deviate from the vertical clearance required by General Order No. 26-D.
3. Adequate warning signs must be provided to warn of the impaired vertical clearance at the crossing.
4. The denial of the motion to dismiss the application should be affirmed. The record indicates that the improvements in Crossing No. E-250.0-B are in the public interest.

O R D E R

IT IS ORDERED that:

1. The Department of General Services is authorized to reconstruct the crossing of Mount Bishop Road (Crossing No. E-250.0-B) under the Southern Pacific Transportation Company's plate girder bridge substantially and in accordance with the application and amendments thereto filed herein.
2. The Department provide the warning devices and signs described in the findings herein.
3. The cost of reconstructing the crossing and erecting the warning devices and signs be borne by the Department of General Services.
4. The California State Polytechnic College provide the distant warning signs at the intersections as provided in the findings herein and bear the cost therefor.

5. The vertical clearance at the crossing may be less than the 15 feet required by General Order No. 26-D.

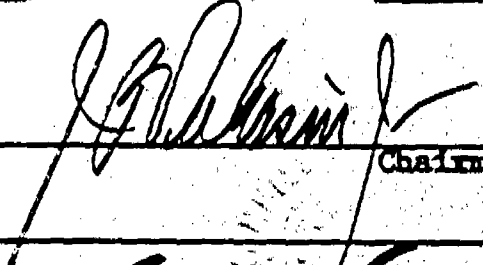
6. Within thirty days after the completion of the work hereinabove authorized, applicant shall notify the Commission in writing of compliance therewith.

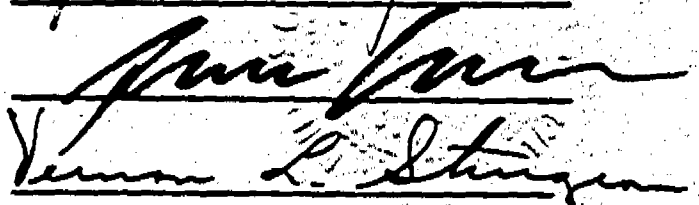
7. The denial of the motion to dismiss the application is affirmed.


8. The improvements herein provided for are to be completed within one year from the date of this order.

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

Dated at San Francisco, California, this 2nd day of MARCH, 1971.


Chairman




Commissioners

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