

ORIGINAL

Decision 89 01 034 JAN 27 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,)
 Department of Transportation for an)
 order authorizing the Department to:)
 Reconstruct a crossing at separated)
 grades, to be known as "Cuesta Over-)
 head", over the Southern Pacific Trans-)
 portation Company's "E" Line.)
 Construction of the Overhead structure)
 is part of a proposed project to)
 realign the existing Route 101 between)
 post miles 35.2 and 36.0 in San Luis)
 Obispo County, California.)

Application 88-07-036
(Filed July 20, 1988)

O P I N I O N

The State of California, Department of Transportation (Caltrans), requests authority to reconstruct the Cuesta Overhead along State Route (SR) 101 at separated grades over Southern Pacific Transportation Company's (SPT) tracks in San Luis Obispo County.

The existing Cuesta Overhead, Crossing E-239.1-A, consisting of a single structure, provides roadway width for two traffic lanes without shoulders in each direction. The traffic lanes are separated by a median barrier. The purpose of the project is to provide left and right shoulders with two traffic lanes in each direction. The proposed construction includes replacement of the existing Cuesta Overhead with two structures and re-alignment of the existing SR-101. The project will increase roadway capacity and improve safety on SR-101.

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000, et seq. Caltrans has determined that the project is categorically exempt from CEQA under Title 21 (Department of Transportation), Subchapter 11, Section 1510.1 (c) of the California Administrative Code. Section 1510.1 applies to Class 1 - Existing Facilities with subsection (c) being applicable to activities involving existing streets and highways.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's categorical exemption determination. The site of the proposed project has been inspected by the Commission's Traffic Engineering staff. The staff examined the need for and safety of reconstruction of the crossing. The staff recommends that the sought authority be granted.

Application 88-07-036 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad. A sketch of the crossing is set forth as Appendix A.

Notice of the application was published in the Commission's Daily Calender on July 25, 1988. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to reconstruct Cuesta Overhead along SR-101 at separated grades over SPT's tracks in San Luis Obispo County.

2. Reconstruction of the overhead is required to provide shoulders in each direction on the existing SR-101.

3. Public Convenience, necessity, and safety require reconstruction of the Cuesta Overhead.

4. Caltrans is the lead agency for this project under CEQA, as amended.

5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's categorical exemption determination.

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

Conclusions of law

1. The application should be granted as set forth in the following order.

2. The activity is not covered by the requirements set forth in CEQA and, therefore, the guidelines (14 Cal. Admin. Code - Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

O R D E R

IT IS ORDERED that:

1. The State of California, Department of Transportation (Caltrans), is authorized to reconstruct the Cuesta Overhead along SR-101 at separated grades over Southern Pacific Transportation Company's (SPT) tracks in San Luis Obispo County, at the location and substantially as shown by plans attached to the application, identified as Crossing E-239.1-A.

2. Clearances shall be in accordance with General Order (GO) 26-D; except that during the period of construction, a clearance of not less than 21 feet 6 inches above top of rail shall be authorized and SPT shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on tops of cars beneath the structures.

3. Caltrans shall notify the Commission and SPT at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

4. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operation shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the crossing approved by SPT, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Within 30 days after completion of the work under this order, Caltrans shall notify the Commission in writing that the authorized work has been completed.

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

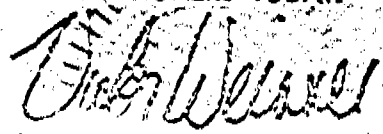
8. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated JAN 27 1969, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. O'BANON
Commissioners

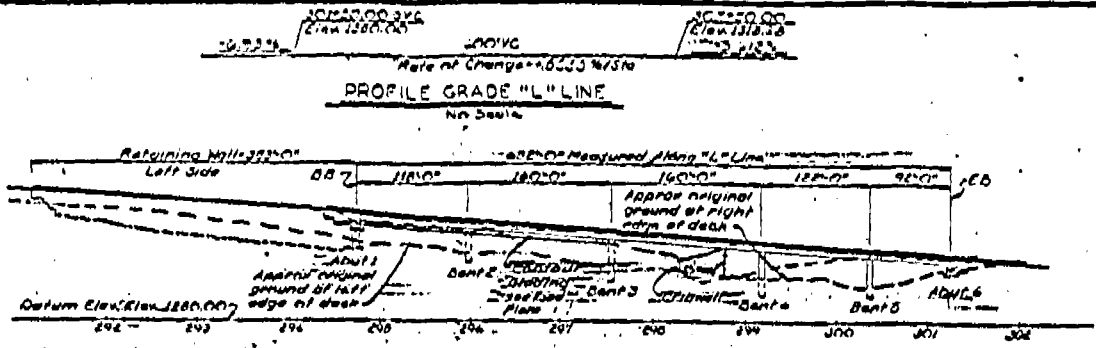
I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Vincent Welser, Executive Director
ps

THE NEXT _ / _
DOCUMENTS ARE
POOR ORIGINALS

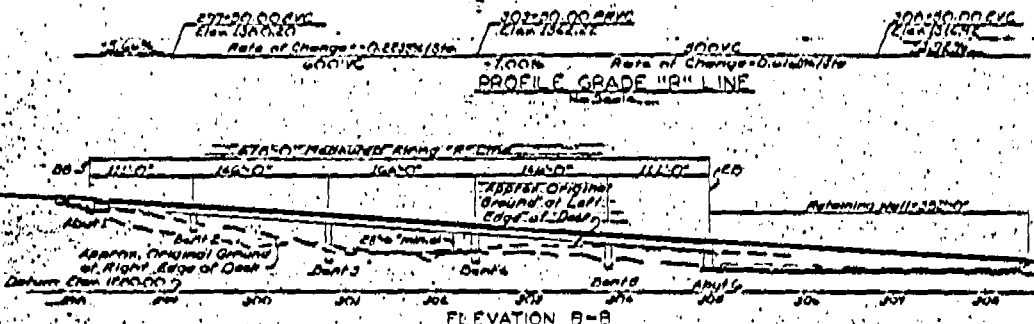
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for the image quality

PROFILE GRADE "L" LINE
No Scale

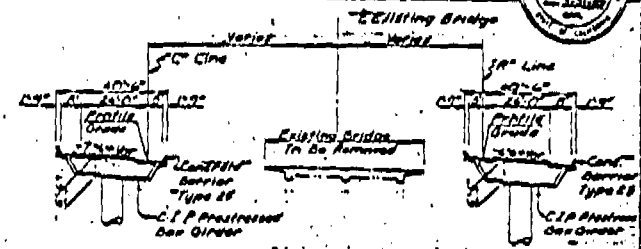


ELEVATION A-A

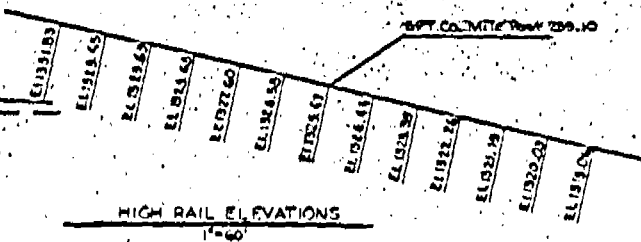
PROFILE GRADE "R" LINE
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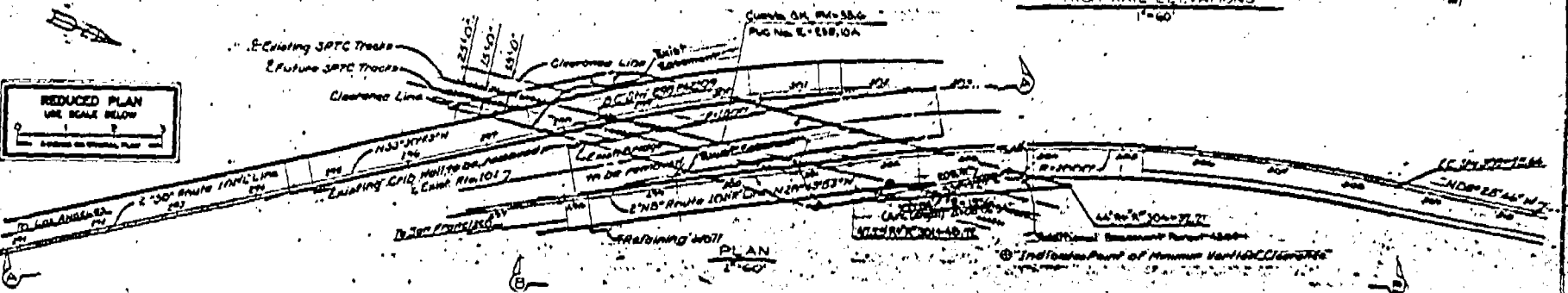
ELEVATION B-B



TYPICAL SECTION



HIGH RAIL ELEVATIONS



REDUCED PLAN
USE SCALE BELOW

PLAN

DATE	REVISION	BY	CHKD BY	APP'D BY
03/21/07	101			

SEAL

A.88-07-036 T/ASC

CALIFORNIA

APPENDIX A