

S/ALA

Decision 90 11 037 NOV 09 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Kern for an order authorizing construction of a crossing at separated grades between Oswell Street and the tracks of the Southern Pacific Transportation Company referred to as the Oswell Street Overhead," (PUC No. B-315.4).

ORIGINAL

Application 89-12-023
(Petition for Modification
filed June 21, 1990)

ORDER MODIFYING DECISION 90-03-059

By Decision (D.) 90-03-059, dated March 28, 1990, in Application (A.) 89-12-023, the County of Kern (County) was authorized to construct Oswell Street at separated grades over Southern Pacific Transportation Company's (SPT) tracks in Kern County.

County filed a Petition for Modification to D.90-03-059 on June 21, 1990, requesting that D.90-03-059 be modified to permit erection of falsework with temporary impaired vertical clearance.

The Commission's Safety Division staff has inspected the project site, reviewed County's request, and recommends that the Petition for Modification be granted.

Notice of the Petition for Modification of D.90-03-059 was published in the Commission's Daily Calendar on June 28, 1990. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. County requests authority under Public Utilities Code Sections 1201-1205 to erect falsework with temporary impaired vertical clearance of 21' 6" during construction.

2. Modification of D.90-03-059 is required to construct the proposed overhead.

Conclusion of Law

County's request to modify D.90-03-059 should be granted as set forth in the following order.

IT IS ORDERED that D.90-03-059 shall be modified as follows:

1. Ordering Paragraph 3 is modified to read "Clearances shall be in accordance with General Order 26-D, except that during the period of construction a clearance of not less than 21' 6" 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's Safety Division forbidding employees to ride on tops of cars beneath the structure.

2. County shall notify the Commission's Safety Division and SPT at lease 15, but not more than 30, days in advance of the date when the temporary impaired overhead clearance will be created.

3. In all other respects D.90-03-059 shall remain in full force and effect.

This order becomes effective 30 days from today.

Dated NOV 9, 1990, at San Francisco, California.

G. MITCHELL WILK

President

FREDERICK R. DUDA

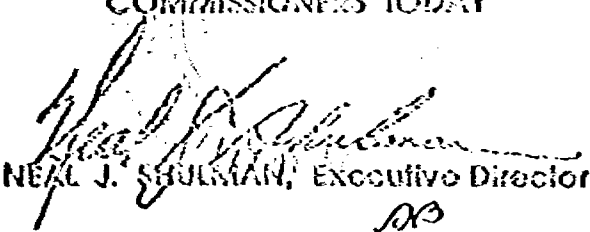
JOHN B. OHANIAN

PATRICIA M. ECKERT

Commissioners

Commissioner Stanley W. Hulett, being necessarily absent, did not participate.

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


NEAL J. SHULMAN, Executive Director