

ORIGINAL

Decision 98-11-062 November 19, 1998

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:)
construct the Salinas River Viaduct on)
State Route 41, located in the City of)
Atascadero, County of San Luis Obispo,)
State of California.)

Application 98-07-010
(Filed July 3, 1998)

O P I N I O N

As part of the project to replace the structurally deficient bridge carrying State Route (SR) 41 over the Salinas River, and to realign SR 41 to correct operational deficiencies, the State of California, Department of Transportation (Caltrans) requests authority to construct the Salinas River Viaduct over the tracks of the Union Pacific Railroad Company (UPRR) in Atascadero, San Luis Obispo County.

The proposed structure is to span both the railroad tracks and the Salinas River. The existing SR 41 bridge over the River is in need of a seismic retrofit. The existing SR 41 underpass under the UPRR tracks is also deficient. It is very narrow, restricted in both horizontal and vertical clearance. The road at the underpass is in a horizontal curve and at the sag point of a vertical curve. The structure carrying the tracks over the road also carries the tracks over the adjacent Atascadero Creek, which subjects the road to flooding. The proposed viaduct will eliminate these problems.

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code (PR) Sections 21000, et seq. After

preparation of a Final Environmental Impact Report (FEIR), Caltrans filed a Notice of Determination with the State Office of Planning and Research on February 10, 1993, which found that "the project will not have a significant effect on the environment," and that "Mitigation measures were made a condition of the approval of the project," and that "A statement of overriding considerations was adopted for the project."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's FEIR. The application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public street across a railroad track. A sketch of the project vicinity is included as Appendix A.

The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division Traffic Engineering staff. The staff examined the need for and safety of the proposed overhead, and recommends issuance of an ex parte order authorizing construction as requested.

In Resolution ALJ 176-2997 dated July 23, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determination made in Resolution ALJ 176-2997.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on July 15, 1998. No protests have been filed.
2. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to construct the Salinas River Viaduct (overhead)

on State Route 41 over the UPRR tracks in Atascadero, San Luis Obispo County.

3. The overhead is an essential component of State Route 41.
4. Public convenience and necessity require construction of the overhead.
5. Caltrans is the lead agency for this project under CEQA, as amended.
6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's FEIR.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The California Department of Transportation (Caltrans) is authorized to construct the Salinas River Viaduct on State Route 41 at separated grades over the tracks of the Union Pacific Railroad Company (UPRR) in Atascadero, San Luis Obispo County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing E-226.7-A
2. Clearances shall be in accordance with General Order (G.O.) 26-D; except that during construction a clearance of not less than 21' - 0" above top of rail shall be authorized and UPRR shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission's Rail Safety and Carriers Division (RSAC) limiting the height of loads beneath the structure.
3. Caltrans shall notify RSAC and UPRR 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 operations 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 UPRR, shall be filed by Caltrans with RSAC 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 advise RSAC 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 November 19, 1998, at San Francisco, California.

RICHARD A. BILAS

President

P. GREGORY CONLON

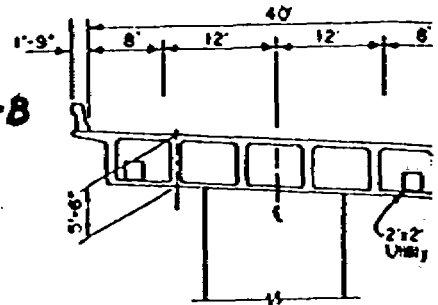
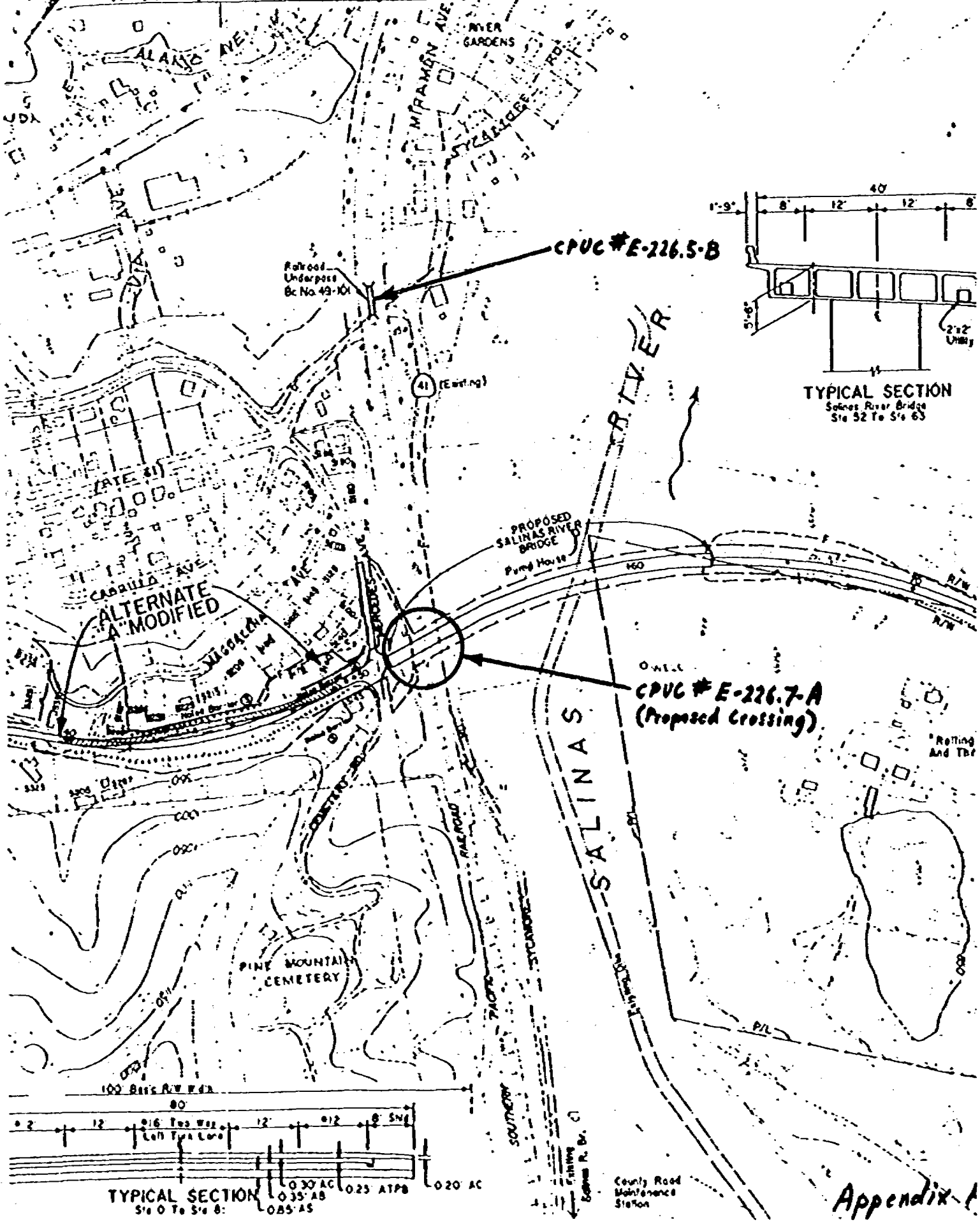
JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

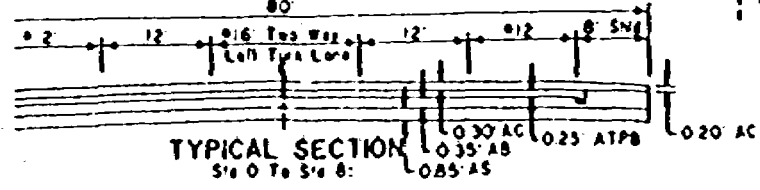
JOSIAH L. NEEPER

Commissioners

A. 98-01-010 RSAC/RLE



TYPICAL SECTION
Salinas River Bridge
Sta 52 To 5+65



TYPICAL SECTION
5+0 To 5+8

Appendix A

County Road
Maintenance
Station