PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

|  |  |
| --- | --- |
| Rail Safety DivisionRail Crossings and Engineering Branch | Resolution SX-143April 15, 2021 |

RESOLUTION

RESOLUTION SX-143 GRANTING AUTHORIZATION
TO DEVIATE FROM GENERAL ORDER 26-D, SECTION 2.1, BY ALLOWING THE EXISTING RESTRICTED HEIGHT CLEARANCE TO REMAIN AT THE HIRSCHDALE ROAD GRADE-SEPARATED HIGHWAY-RAIL CROSSING IN THE COUNTY OF NEVADA.

Summary

By a General Order 88-B authority request dated January 18, 2020, submitted on January 4, 2021, to alter Hirschdale Road grade separated highway-rail crossing over two Union Pacific Railroad mainline tracks, located in Nevada County, the County of Nevada requests a variance from Subsection 2.1 (Overhead Clearances) of General Order 26-D. The crossing is identified as California Public Utilities Commission Crossing Number 001A-216.10-A and Federal Department of Transportation Number 753190K.

Background

The County of Nevada (County) proposes to do a seismic retrofit of the Hirschdale Road grade separated highway-rail overhead crossing (crossing). The crossing is a single lane vehicle structure spanning two Union Pacific Railroad (UPRR) mainline tracks. The bridge and its approaches were built in 1926 with 21 foot 5 1/2 inch fixed clearance above the top of the rails.

The variance request indicates that the vertical clearance of 21 feet 5 1/2 inches for UPRR Mainline 1 track cannot be corrected and be allowed to persist. General Order (GO) 26-D requires an overhead clearance of 22 feet 6 inches but GO Section 15 allows the California Public Utilities Commission (CPUC/Commission) to consider requests for continuance of impaired clearances already existing and lawful at the time the GO was adopted.

Discussion

The Hirschdale Road Overhead is a single lane vehicle structure spanning two UPRR mainline tracks. The County requests authorization to modify the bridge structure as part of a seismic retrofit project with GO 88-B crossing alteration request.

However, the location at the south end of the bridge is not meeting the effective GO 26-D overhead clearance requirement of 22 feet 6 inches above top of rail. The County, with UPRR’s agreement, proposes to allow the clearances to persist because only the reconstruction of the crossing would allow an opportunity to bring the location to current standard. Due to its location so close to the end of the bridge, the elevation of track substructure cannot be lowered.

Subsection 2.1 of GO 26-D states “The minimum overhead clearance above railroad and street railroad tracks, which are used or proposed to be used for transporting freight cars, shall be twenty-two (22) feet six (6) inches. Structures constructed prior to the effective date of this order may be maintained at such clearances as was lawful at the time of construction.”

Section 15 of GO 26-D allows the Commission to consider specific requests for the future continuance of heretofore lawful clearances when facilities are relocated or reconstructed provided application has been made as per subsection 16.2 of the GO. Subsection 16.2 of GO 26-D allows the Commission to consider the application for such exemption when accompanied by a full statement of the conditions existing and the reason why such exemption is asked.

UPRR states that they have no objections to the Hirschdale Road Overhead project as proposed in County GO 88-B authority request with their concurrence letter dated December 28, 2020.

Rail Crossings and Engineering Branch staff (staff) has reviewed the County’s request and concurs that the existing height clearances be maintained until such time as the Hirschdale Road Overhead structure is reconstructed to allow the clearance to be brought to current standard.

Notice

On March 9, 2021, this Resolution was published on the Commission’s Daily Calendar.

Comments

The draft resolution of the Rail Safety Division in this matter was mailed in accordance with Section 311 of the Public Utilities Code and Rule 14.2(d)(1) of the Commission’s Rules of Practice and Procedure.
No comments were received.

Findings

1. The County, in GO 88-B authority request, submitted on January 4, 2021, requests an exemption from the provisions of Subsection 2.1 (Overhead Clearances) of GO 26-D for the crossing, identified as CPUC Crossing No. 001A-216.10-A and DOT No. 753190K, over the UPRR tracks in the County of Nevada.
2. UPRR states that they have no objections to the Hirschdale Road Overhead project as proposed in its concurrence letter dated December 28, 2020.
3. Section 16.2 of GO 26-D allows for exemptions (deviations) from the requirements of GO 26-D.
4. Staff has reviewed the proposal and finds that the request has merit and should be granted.

Therefore, it is Ordered That:

The County of Nevada is authorized to deviate from the provisions of Subsection 2.1 of General Order 26-D by maintaining the clearance above top of rail of 21 feet 5 1/2 inches on Union Pacific Railroad Mainline track 1 at the Hirschdale Road grade separated rail crossing, identified as California Public Utilities Commission Crossing Number 001A-216.10-A and Federal Department of Transportation Number 753190K, until such time as the Hirschdale Road Overhead structure is reconstructed to allow the clearance to be brought to current standard.

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting held on April 15, 2021. The following Commissioners voting favorably thereon:

 /s/ Rachel Peterson

Rachel Peterson

Executive Director

Marybel Batjer

President

Martha Guzman Aceves

Clifford Rechtschaffen

Genevieve Shiroma

Darcie Houck

Commissioners