

Decision No. 85049**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Kern)	
acting through its Board of Supervisors)	
for an order to construct and maintain)	
a bicycle trail for public use, under)	Application No. 55788
the main line of Southern Pacific)	(Filed July 3, 1975)
Railroad at the Kern River.)	

O P I N I O N

As part of the project to construct the Kern River Bicycle Trail from Beach Park to Manor Street, the County of Kern requests authority to construct the bicycle trail at separated grades under the existing Kern River Railroad Bridge of the Southern Pacific Transportation Company's main line in Kern County.

The County of Kern is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on June 9, 1975 the Kern County Board of Supervisors adopted a Negative Declaration.

Due to the location of the bicycle trail along the Kern River, construction during the wet season would be difficult. Applicant has, therefore, requested that the usual 20-day waiting period be waived so that construction may be commenced at the earliest possible date.

Notice of the application was published in the Commission's Daily Calendar on July 7, 1975. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct a bicycle trail at separated grades under the existing Kern River Railroad Bridge of the Southern Pacific Transportation Company's main line in Kern County, at the location and substantially as shown by plans attached to the application.

2. Construction and maintenance costs of the crossing should be borne by the applicant.

3. The Commission has considered the applicant's Negative Declaration and finds with reasonable certainty that this project will not have a significant effect on the environment.

4. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plans set forth in the application and comply with applicable rules and general orders of the Commission.

5. Construction of the project would be difficult during the wet season and, therefore, the usual 20-day waiting period should be waived.

C O N C L U S I O N S

On the basis of the foregoing findings we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The County of Kern is authorized to construct a bicycle trail under the existing Kern River Railroad Bridge of the Southern Pacific Transportation Company's main line in Kern County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing No. B-310.4-BD.

2. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.

3. Construction and maintenance costs of the crossing shall be borne by the applicant.


4. Construction plans of the crossing approved by the Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, shall be filed with the Commission prior to commencing construction.

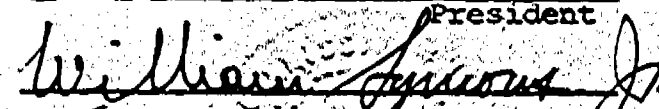

5. Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing.

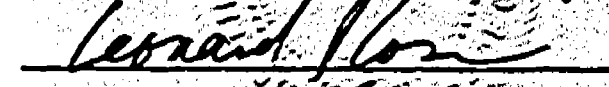
This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

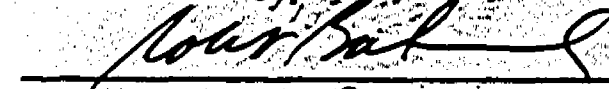
The effective date of this order is the date hereof.

Dated at San Francisco, California, this 28th
day of OCTOBER, 1975.



President







Commissioners