

T/ASC/yyo

Decision 89 02 064 FEB 24 1989

ORIGINAL

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)
Fairfax Road and the tracks of the)
Southern Pacific Transportation)
Company, sometimes referred to as the)
"Fairfax Road Overhead," (PUC No.)
B-316.5A), and the closing of Sterling)
Road (PUC B-315.9).)

Application 88-07-028
(Filed July 18, 1988)

O P I N I O N

The County of Kern (County) requests authority to construct the Fairfax Road Overhead at separated grades over Southern Pacific Transportation Company's (SPT) tracks in Kern County.

The priority list of grade separation projects for fiscal year 1988-1989, as set forth in Decision 88-06-050, dated June 17, 1988, shows this project as Priority No. 9.

The existing grade crossings of Fairfax Road and Sterling Road are across a section of joint Southern Pacific-Santa Fe track just east of Bakersfield, where eastbound trains of both railroads begin their ascent over the Tehachapi Mountains. The heavy train traffic results in blocking the crossings for excessive periods of time. The proposed grade separation will provide two traffic lanes and sidewalk in each direction across the SPT tracks and adjacent roadway of Edison Highway. The project will result in elimination of those two existing grade crossings. The project will provide an arterial street not subject to disruption by rail movements and will improve safety on Fairfax Road.

By letter dated September 30, 1988, the United Transportation Union requested that Oswell Street, Crossing

B-315.4, also be considered for closure. Oswell Street is located approximately 1.1 mile west of Fairfax Road. Staff has considered the request and recommends that Oswell Street, Crossing B-315.4, remain open because it is a major north-south arterial with an interchange connection at nearby State Route 58 freeway. Review of the crossing accident records indicates that there have been no train vehicle accidents at this location in the last six years. Oswell Street crossing is also proposed for grade separation and the project is listed as priority No. 17 on the grade separation priority list as set forth in Decision 88-06-050.

County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. County has determined that the project is categorically exempt from CEQA under PR Code Section 21080.13.

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 construction of the crossing. The staff recommends that the sought authority be granted.

Application 88-07-028 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. Sketches of the crossings are set forth as Appendix A.

Notice of the application was published in the Commission's Daily Calendar on July 21, 1988. 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 construct the Fairfax Road Overhead at separated grades over SPT's tracks in Kern County.

2. Construction of the overhead is required to provide an arterial street not subject to disruption by train movements.

3. Public safety requires that, upon completion of the Fairfax Road Overhead and its opening to vehicular traffic, the existing at-grade crossings of Fairfax Road and Sterling Road be closed and physically removed.

4. Public convenience, necessity, and safety require construction of the Fairfax Road Overhead.

5. County 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 categorical exemption determination.

7. 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.

ORDER

IT IS ORDERED that:

1. The County of Kern (County) is authorized to construct the Fairfax Road Overhead at separated grades over Southern Pacific Transportation Company's (SPT) tracks in Kern County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing B-316.5-A.

2. Upon completion of the Fairfax Road Overhead and its opening to vehicular traffic, the existing grade crossings of Fairfax Road, Crossing B-316.5, and Sterling Road, Crossing B-315.9, shall be closed and physically removed.

3. Clearances shall be in accordance with General Order (GO) 26-D.

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 crossings 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.

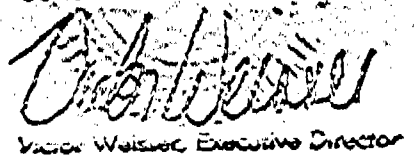
6. Within 30 days after completion of the work under this order, County shall notify the Commission in writing that the authorized work has been completed.

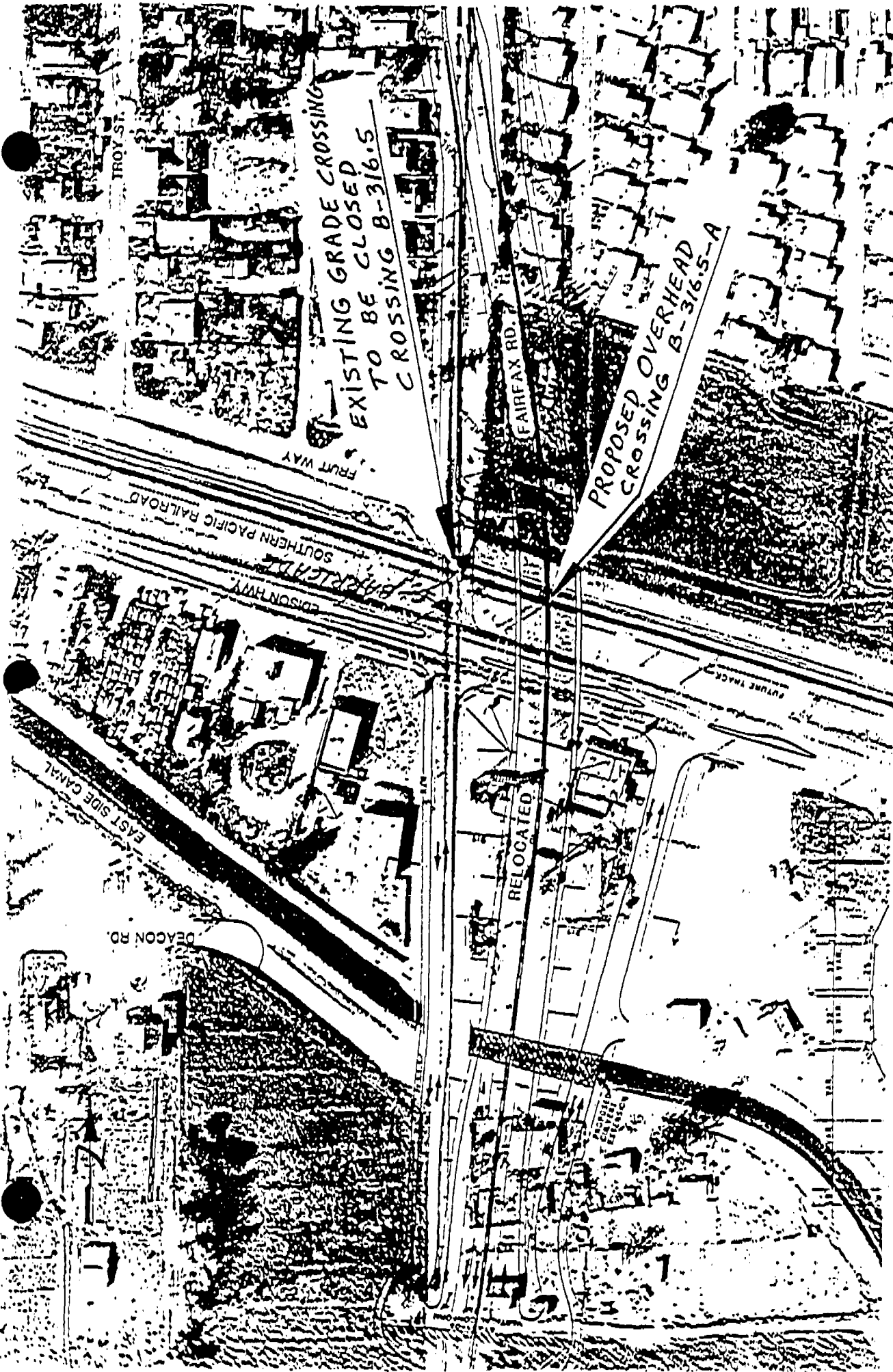
7. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

8. The application is granted as set forth above.
This order becomes effective 30 days from today.
Dated FEB 24 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
Commissioners

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

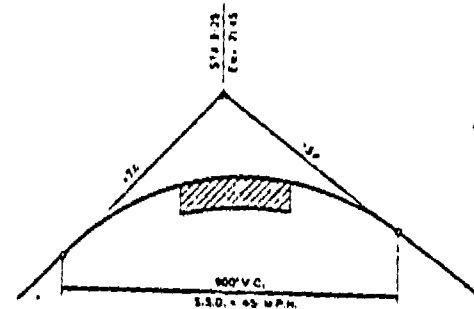
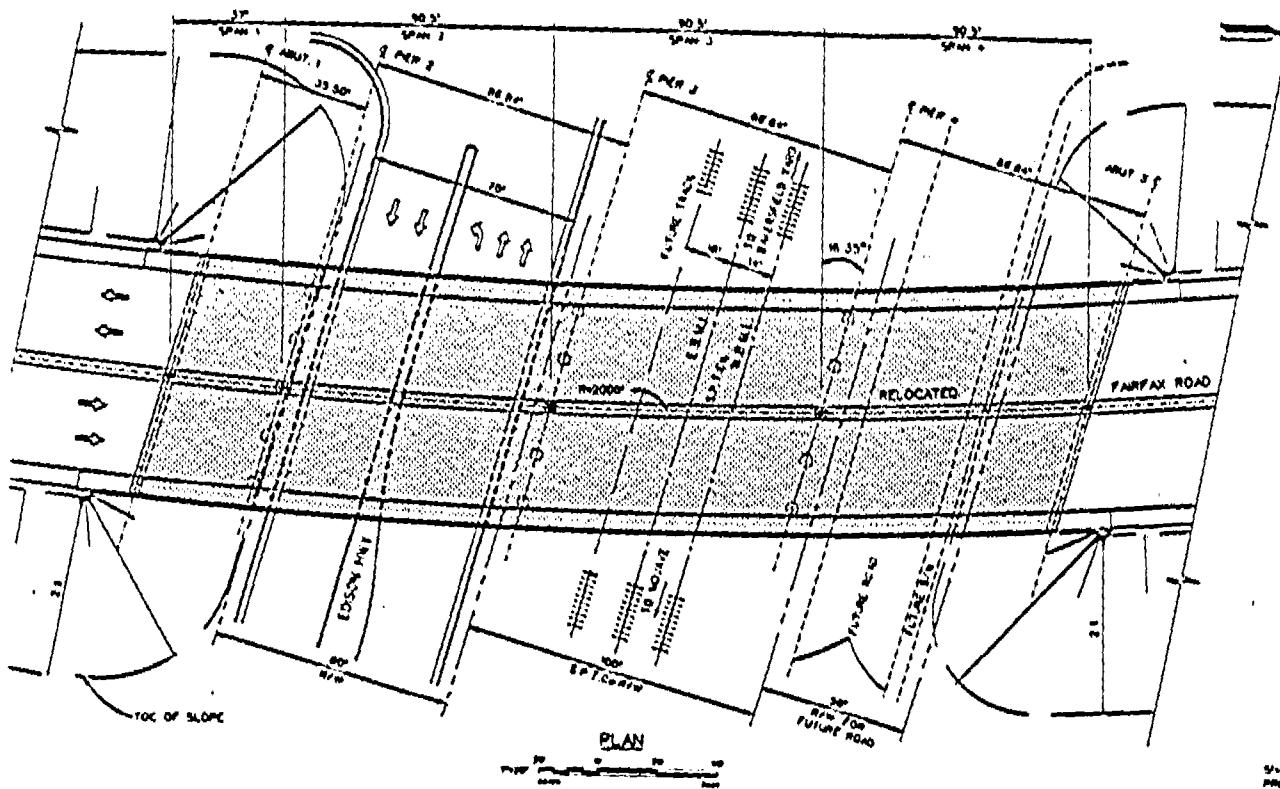

Victor Weisac, Executive Director



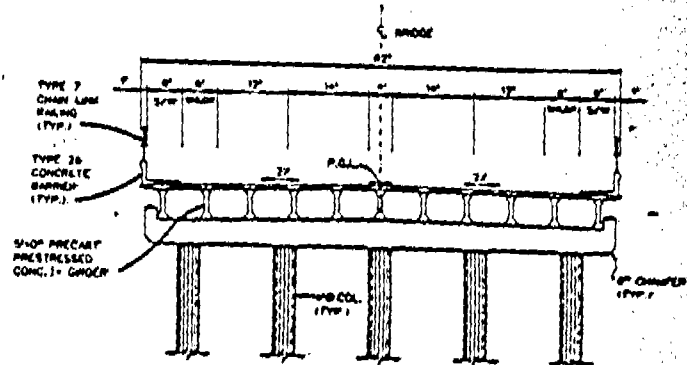
EXISTING GRADE CROSSING
TO BE CLOSED
CROSSING B-316.5

PROPOSED OVERHEAD
CROSSING B-316.5-A

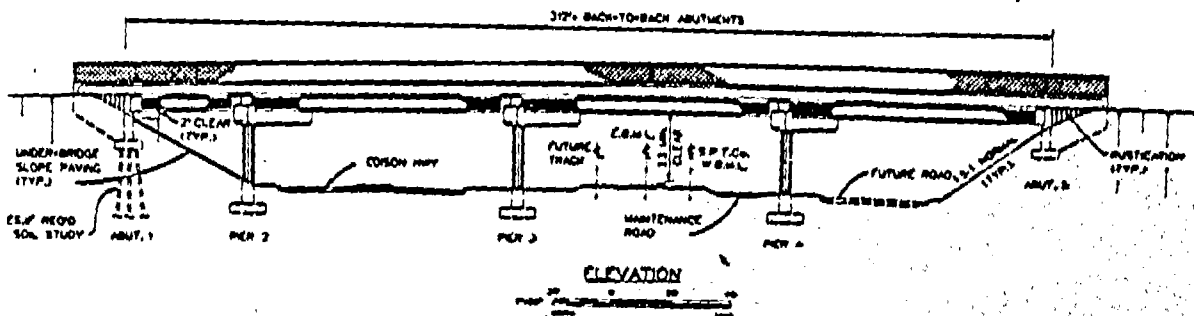
A. 88-07-028 T/ASC
APPENDIX A



RELOCATED FAIRFAX ROAD PROFILE
N.T.S.



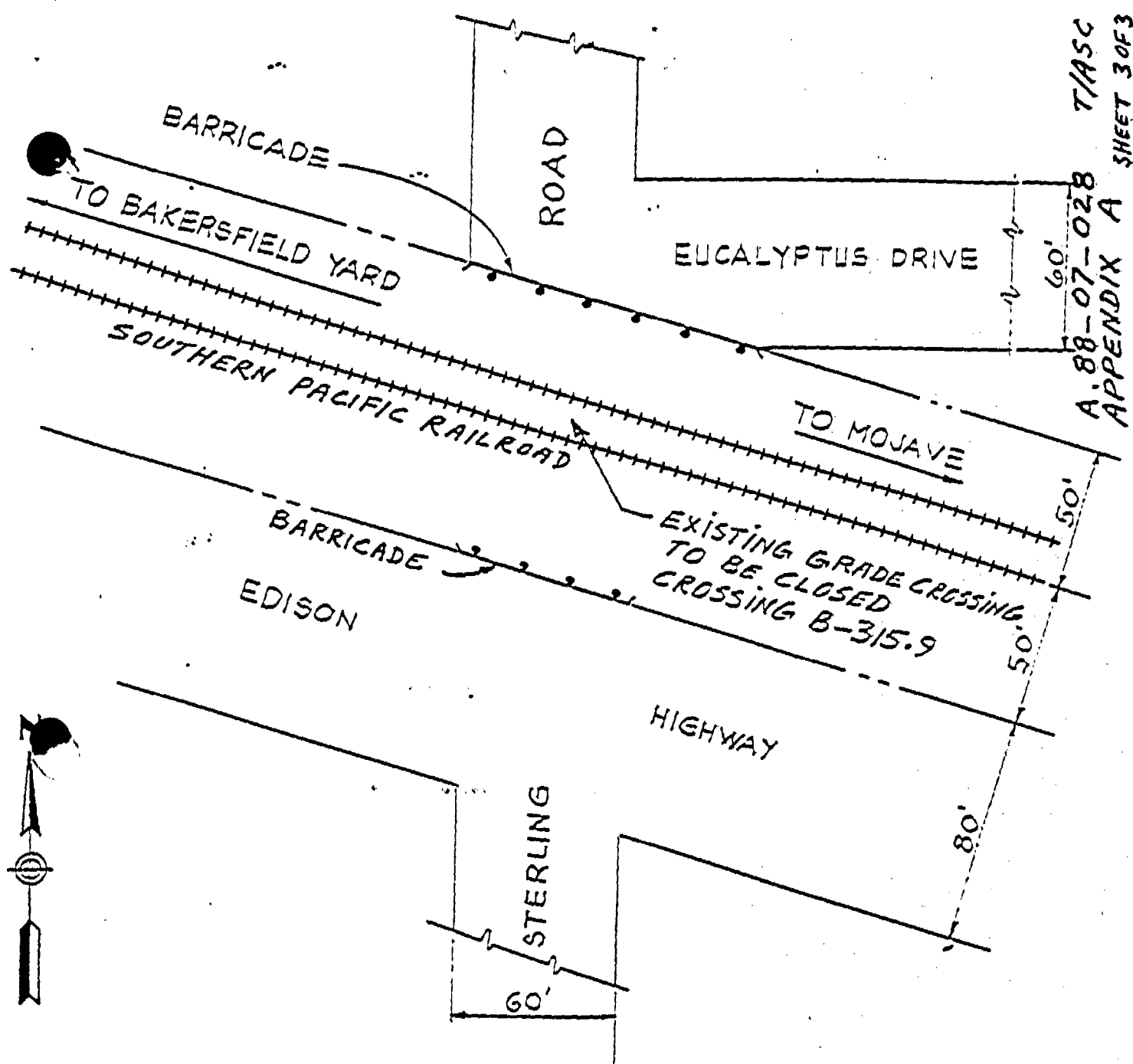
TYPICAL SECTION



PUBLIC UTILITIES COMMISSION SHEET
EXHIBIT "B" SHEET No. 3
COUNTY OF KERN
FAIRFAX ROAD OVERHEAD
AT S.P.T. Co. P.U.C. No. B-3865A
PLAN AND ELEVATION

A.88-07-028 T/ASC
APPENDIX A

SHEET 2 OF 3



A. 88-07-028 T/ASC
 APPENDIX A SHEET 3 OF 3

COUNTY OF KERN

STERLING ROAD AT S.P.T.Co.

P.U.C. No. B-315.9

(TO BE CLOSED)

SCALE: 1"=50'