

Decision 90 03 059 MAR 28 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 )  
referred to as the "Oswell Street )  
Overhead," (PUC No. B-315.4). )

Application 89-12-023  
(Filed December 14, 1989)

O P I N I O N

The County of Kern (County) requests authority to construct the Oswell Street 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 1989-90, as set forth in Decision 89-06-052, dated June 21, 1989, shows this project as Priority No. 13.

The existing grade crossing of Oswell Street is 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 crossing 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 an existing grade crossing. The project will provide an arterial street not subject to disruption by rail movements and will improve safety on Oswell Street.

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 Safety Division 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 89-12-023 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. A sketch of the proposed crossing is set forth as Appendix A.

Notice of the application was published in the Commission's Daily Calendar on December 19, 1989. 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 Oswell Street 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 Oswell Street Overhead and its opening to vehicular traffic, the existing at grade crossing of Oswell Street be closed and physically removed.
4. Public convenience, necessity, and safety require construction of the Oswell Street 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.

O R D E R

IT IS ORDERED that:

1. The County of Kern (County) is authorized to construct the Oswell Street 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-315.4-A.

2. Upon completion of the Oswell Street Overhead and its opening to vehicular traffic, the existing grade crossing of Oswell Street, Crossing B-315.4, 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 crossing approved by SPT, shall be filed with the Commission's Safety Division 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's Safety Division 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.

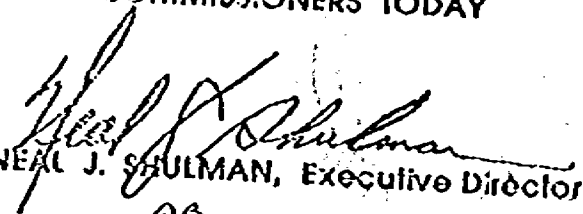
8. The application is granted as set forth above.

This order becomes effective 30 days from today.

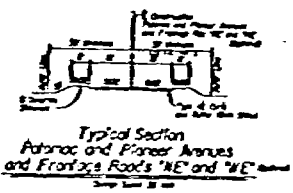
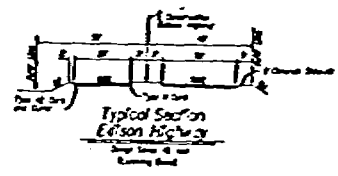
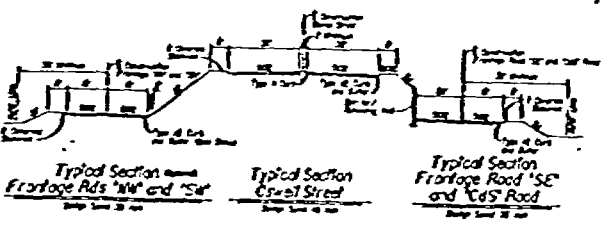
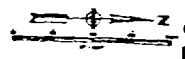
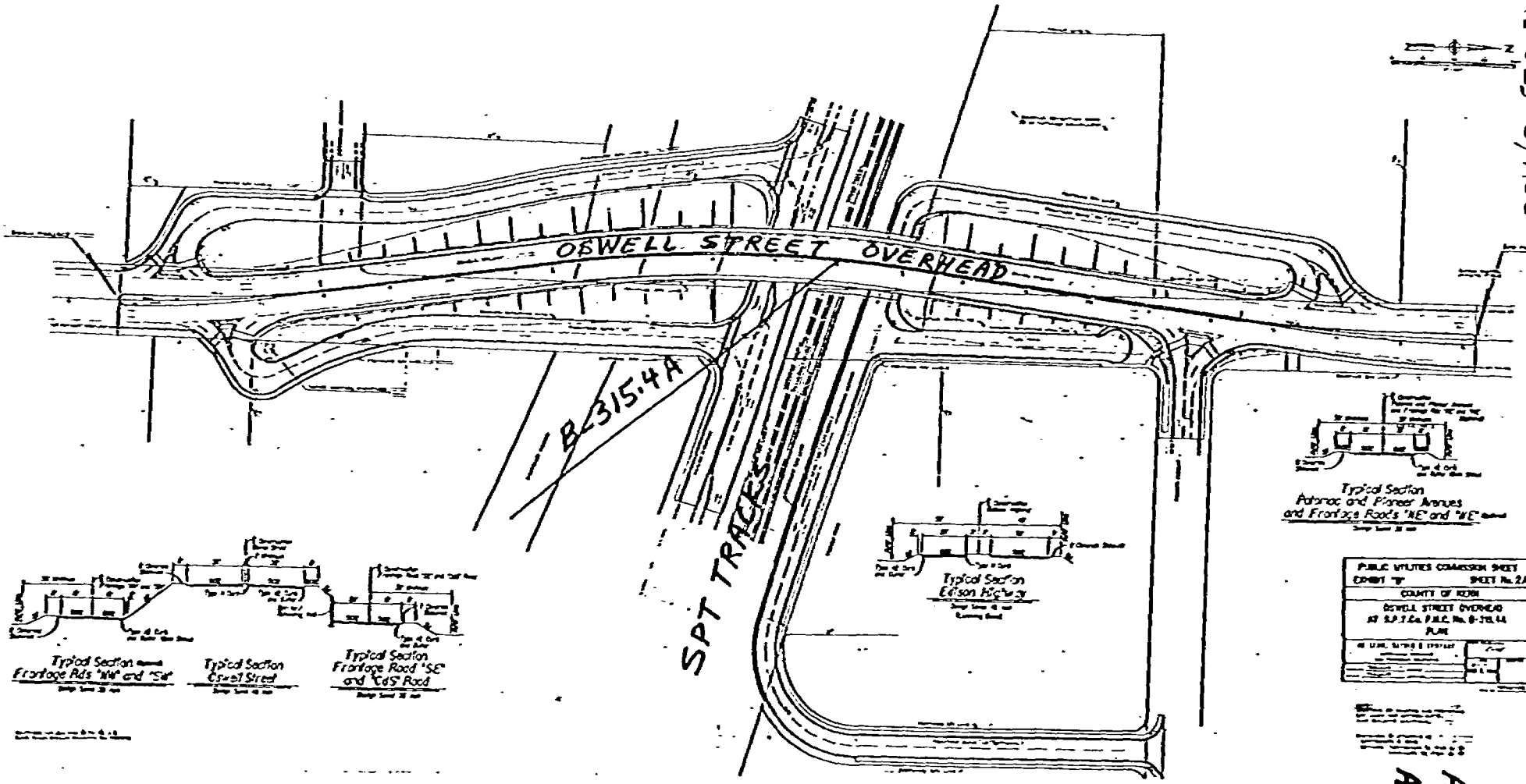
Dated MAR 28 1990, at San Francisco, California.

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

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

  
NEAL J. SHULMAN, Executive Director

(END OF APPENDIX A)



PUBLIC UTILITIES COMMISSION SHEET	
EXHIBIT 17	SHEET No. 2A
COUNTY OF KERN	
OSWELL STREET OVERHEAD	
AT S.P.T.C. P.L.C. No. 8-37514	
PLAN	
IN SCALE WITH 8 SHEET	

APPENDIX A  
A.89-12-023