

Decision 83 03 056 March 16, 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF)
 BAKERSFIELD for an Order authori-)
 zing construction of a crossing at)
 separated grades between Union)
 Avenue and the tracks of the)
 Southern Pacific Transportation)
 Company, sometimes referred to as)
 the "Union Avenue Overhead.")
 (PUC No. B-312.3))

Application 83-02-51
 (Filed February 22, 1983)

O P I N I O N

The City of Bakersfield (City) requests authority to construct the Union Avenue Overhead over the tracks of Southern Pacific Transportation Company's (SPT) main line in Bakersfield, Kern County.

The priority list of grade separation projects for fiscal year 1982-83, as set forth in Decision 82-06-053, dated June 15, 1982, shows this project as Priority No. 15.

City 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. City has determined that the project is categorically exempt from CEQA under PR Code Section 21080.13.1/

1/ Section 21080.13 was added to the PR Code by Chapter 58, Statutes 1982, as an urgency statute effective February 18, 1982.

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's categorical exemption determination. The site of the proposed project has been inspected by the Commission staff.

The project will eliminate the east-west barrier created by SPT which divides the northeasterly and southwesterly sections of Bakersfield. The existing Union Avenue and 24th Street grade crossings will be eliminated upon completion of the grade separation.

Notice of the application was published in the Commission's Daily Calendar on February 25, 1983. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct the Union Avenue Overhead over the tracks of SPT main line in Bakersfield, Kern County.
2. Construction of the Union Avenue Overhead is required to improve the safety of rail operations and reduce vehicular traffic delay.
3. Upon completion of the Union Avenue Overhead and its opening to vehicular traffic, the existing Union Avenue and 24th Street crossings should be closed and physically removed.

4. Public convenience, necessity, and safety require construction of the Union Avenue Overhead.

5. Since Commission authority is required prior to April 1, 1983 for this project to receive funding, the ten day notice on the public agenda required for Commission action should be waived as this is an emergency action.

6. City is the lead agency for this project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's categorical exemption determination.

8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

9. 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.

Conclusion of Law

The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The City of Bakersfield (City) is authorized to construct the Union Avenue Overhead over the tracks of Southern Pacific Transportation Company's (SPT) main line in Bakersfield, Kern County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing B-312.3-A.

2. Upon completion of the Union Avenue Overhead and its opening to vehicular traffic, the existing 24th Street and Union Avenue grade crossings, Crossings B-312.2 and B-312.3, respectively shall be closed and physically removed.

3. Clearances shall be in accordance with General Order 26-D; except that during the period of construction a clearance of not less than 21'- 0" above top of rail shall be authorized and SPT shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on tops of cars beneath the structure.

4. City shall notify the Commission and SPT at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

5. Walkways shall conform to General Order 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.

6. 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 prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. Within 30 days after completion of the work under this order, City shall notify the Commission in writing of the completion of the work authorized.

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.

A.83-02-51 T/TE/AV/WPSC

This order is effective today.

Dated MAR 16 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

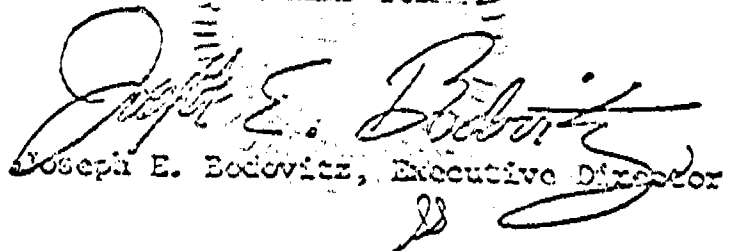
VICTOR CALVO

PRISCILLA C. GREW

DONALD VIAL

Commissioners

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


Joseph E. Bodovitz, Executive Director

Decision 83 03 058 MAR 16 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF
 BAKERSFIELD for an Order authori-
 zing construction of a crossing at
 separated grades between Union
 Avenue and the tracks of the
 Southern Pacific Transportation
 Company, sometimes referred to as
 the "Union Avenue Overhead."
 (PUC No. B-312.3)

Application 83-02-51
 (Filed February 22, 1983)

O P I N I O N

The City of Bakersfield (City) requests authority to construct the Union Avenue Overhead over the tracks of Southern Pacific Transportation Company's (SPT) main line in Bakersfield, Kern County.

The priority list of grade separation projects for fiscal year 1982-83, as set forth in Decision 82-06-053, dated June 15, 1982, shows this project as Priority No. 15.

City 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. City has determined that the project is categorically exempt from CEQA under PR Code Section 21080.13.1/

1/ Section 21080.13 was added to the PR Code by Chapter 58, Statutes 1982, as an urgency statute effective February 18, 1982.