

Decision No. 87755 AUG 23 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of County of Kern, a)
political subdivision of the)
State of California, for an order)
authorizing construction of a)
railroad crossing at grade in the)
vicinity of Inyokern, California)
over the tracks of the Lone Pine)
Branch of the Southern Pacific)
Railroad. BAM 448.9)

Application No. 57310
(Filed May 16, 1977)

O P I N I O N

The County of Kern requests authority to construct Cappy Avenue at grade across the tracks of the Southern Pacific Transportation Company's Lone Pine Branch Line near the Town of Inyokern 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. After review of a Negative Declaration, the Kern County Planning Commission approved the project and on October 23, 1975, filed a Notice of Determination with the Kern County Clerk which found that "The project will not have a significant effect on the environment."

Notice of the application was published in the Commission's Daily Calendar on May 18, 1977. 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 Cappy Avenue at grade across the tracks of the Southern Pacific Transportation Company's Lone Pine Branch Line near the Town of Inyokern in Kern County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing BAM-448.9.

2. Construction of the crossing should be equal or superior to Standard No. 1 of General Order 72-B.

3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.

4. Protection at the crossing should be two Standard No. 9 automatic gate-type signals (General Order 75-C).

5. Construction expense of the crossing and installation cost of the automatic protection should be borne by the applicant.

6. Maintenance of the crossing should be in accordance with General Order 72-B. Maintenance cost of the automatic protection should be borne by the applicant pursuant to Section 1202.2 of the Public Utilities Code.

7. 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, should be filed with the Commission prior to commencing construction.

8. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on October 13, 1975 approved its Negative Declaration which has been filed with the Commission. The Commission has considered the Negative Declaration and Notice of Determination in rendering its decision on this project and finds that:

- a. The environmental impact of the proposed action is insignificant.
- b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- c. There are no known irreversible environmental changes involved in this project.

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 Cappy Avenue at grade across the tracks of the Southern Pacific Transportation Company's Lone Pine Branch Line near the Town of Inyokern in Kern County, as set forth in the findings of this decision.

2. 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 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 23rd day of AUGUST, 1977.

Robert Bateman
President

William Squires, Jr.

Virginia L. Sturgeon

Richard D. Howell

Clair L. DeLush
Commissioners