

ORIGINAL

Decision No. 88641 MAR 21 1978

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Bakersfield  
for an order authorizing construction of  
a crossing at separated grades between  
Truxtun Avenue and the track of The  
Atchison, Topeka & Santa Fe Railway  
Company, sometimes referred to as the  
"Truxtun Avenue Underpass", P.U.C.2-889.4

Application No. 57543  
(Filed August 31, 1977)

O P I N I O N

The City of Bakersfield requests authority to construct a grade separation of Truxtun Avenue under the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line in the City of Bakersfield, Kern County.

The priority list of grade separation projects for the fiscal year 1977-78, as set forth in Decision 87496 dated June 21, 1977, shows this project as Priority No. 2. In order that this project may qualify for fiscal year 1977-78 grade separation funds, applicant requires an order from the Public Utilities Commission authorizing construction which is effective prior to April 1, 1978. Therefore, the usual thirty-day waiting period should be waived.

The City of Bakersfield 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 City of Bakersfield approved the project and on February 23, 1978 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 September 1, 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 Truxtun Avenue at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line in the City of Bakersfield, Kern County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 2-889.4-B.
2. Clearances should be in accordance with General Order 26-D.
3. Walkway areas should conform to General Order 118.

Walkway areas adjacent to any trackage subject to rail operations should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans of the crossing approved by The Atchison, Topeka and Santa Fe Railway Company, should 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.

5. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on February 22, 1978, 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.

6. In order to qualify for fiscal year 1977-78 grade separation funds, applicant requires an order of the Commission authorizing construction of the project which is effective prior to April 1, 1978; therefore, the usual thirty-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 City of Bakersfield is authorized to construct Truxtun Avenue at separated grades under the tracks of The Atchison, Topeka and Santa Fe Railway Company's Main Line in the City of Bakersfield, 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 three 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 21st day of MARCH, 1978.

Robert Batzmann  
President  
William Synovius Jr.  
Veronica L. Stricker  
Richard B. Howell  
Clare J. Deibel  
Commissioners