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Decision No. 90113 ? MAR 27 1979

ORIGINAL

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 be-)
tween Chester Avenue and the tracks of)
the Southern Pacific Transportation)
Company, sometimes referred to as the)
"Chester Avenue Underpass". (PUC No.)
B-311.2)

Application No. 58530
(Filed December 18, 1978)

O P I N I O N

The City of Bakersfield requests authority to construct a grade separation structure, to be known as the "Chester Avenue Underpass," under the tracks of the Southern Pacific Transportation Company's Main Line in the City of Bakersfield, Kern County.

The City of Bakersfield is the lead agency for the project pursuant to the California Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000 et seq.

After preparation and review of an Initial Study, the City of Bakersfield issued a Negative Declaration and approved the project. On February 9, 1979, a Notice of Determination was filed with the Kern County Clerk, which found that "The project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has also been inspected by the Commission staff.

Chester Avenue, a major north/south arterial in the City of Bakersfield, is experiencing severe traffic congestion where it crosses the railroad tracks at grade. Over the years, Chester Avenue has been developed to four-lane and six-lane standards, and major structures have been built to carry it under or over principal natural or artificial barriers. The proposed project, when completed, will remove the last major barrier to public travel on this established thoroughfare and reduce congestion and delays. The project is located in a commercial area.

Notice of the application was published in the Commission's Daily Calendar on December 20, 1978. 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 the "Chester Avenue Underpass" under the tracks of the Southern Pacific Transportation Company's Main Line in the City of Bakersfield, Kern County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing B-311.2-B.
2. Upon completion of the underpass, applicant should close and physically remove the existing Chester Avenue grade crossing, identified as Crossing B-311.2.
3. Clearances should be in accordance with General Order 26-D.
4. Walkways 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.
5. Construction and maintenance costs of the "Chester Avenue Underpass" should be borne in accordance with an agreement to be entered into between the parties relative thereto, and copies of the agreement, together with plans of the crossing approved by the Southern Pacific Transportation 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.
6. The City of Bakersfield is the lead agency for the project pursuant to the California Environmental Quality Act of 1970, as amended.
7. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.
8. This project will have no significant impact on the environment.

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 the "Chester Avenue Underpass" under the tracks of the Southern Pacific Transportation 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 shall be thirty days after the date hereof.

Dated at San Francisco, California, this 27th day of MARCH, 1979.

John E. Conyer
President

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Richard D. Gravello, being necessarily absent, did not participate in the disposition of this proceeding.

Richard D. Gravello
Vernon L. Sturgeon
Commissioners