

S&E/RRT/sh

Decision 95-07-041 July 19, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The Atchison, Topeka)
and Santa Fe Railway Company for)
an order authorizing construction)
of a crossing at separated grades)
over Truxtun Avenue in the City of)
Bakersfield, California.)

Application 95-04-009
(Filed April 13, 1995)

O P I N I O N

ORIGINAL

The Atchison, Topeka and Santa Fe Railway Company (AT&SF) requests authority to construct an additional grade separation structure, adjacent and parallel to the existing Truxtun Avenue Underpass in order to add a second main line track in the City of Bakersfield (City), Kern County.

AT&SF's main line tracks currently cross over Truxtun Avenue in the City via the existing Truxtun Avenue Underpass.

AT&SF entered into an agreement with the State of California, acting by and through its Department of Transportation (Caltrans) and the National Railroad Passenger Corporation (Amtrak), which provided for, among other things, the construction of additional capital improvements between Bakersfield and Port Chicago (the "San Joaquin Improvement Project") in order to accommodate the providing of more frequent and efficient commuter rail service to the public.

As part of the aforementioned San Joaquin Improvement Project, AT&SF is required to construct a second main line track over Truxtun Avenue at separated grades that necessitates the construction of an additional prestressed concrete and steel bridge structure as more fully indicated by plans attached to the application.

Caltrans is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended,

Public Resources (PR) Code Sections 21000, et seq. Caltrans has determined that this project, the reconstruction an existing grade separation, is categorically exempt from the reporting requirements of CEQA under Public Resources Code Section 21080.13.

The Commission is a responsible agency for this project under CEQA, and has reviewed and considered the lead agency's exemption determination. The existing grade separation has been inspected by the Commission's Safety and Enforcement Division - Traffic Engineering Staff. Staff examined the need for and the safety of the grade separation and recommends that AT&SF's request be granted.

The application was found to be in compliance under the Commission's filing requirements, including Rule 40 of the Rules of Practice and Procedure which relates to the construction of a railroad track across a public highway. A location map and details from the project plans are shown in Appendix A.

By letter dated March 23, 1995, AT&SF advised the Commission that as the San Joaquin Improvement Project is already underway, the railroad wishes to commence construction of the grade separation at the earliest possible date. It is therefore requested that the usual 30-day effective date of an order be waived.

Findings of Fact

1. Notice of the Application was published in the Commission's Daily Calendar on April 17, 1995. No protests have been received. A public hearing is not necessary.
2. AT&SF requests authority, under Public Utilities Code Sections 1201-1205, to construct a second main line track at separated grades over Truxtun Avenue in Bakersfield, Kern County.
3. Construction of the additional crossing at separated grades is necessary in order to accommodate the providing of more frequent and efficient commuter rail service to the public.

4. Public convenience, necessity and safety require construction of a second main line track at the Truxtun Avenue Underpass as indicated in Appendix A attached to this order.

5. Caltrans, the lead agency for this project under CEQA as amended, has determined that the activity is not covered by the requirements set for 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.

6. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's exemption determination.

Conclusions of Law

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

2. The project is exempt from the environmental reporting requirements of CEQA.

3. The usual 30-day effective date on an order should be waived as AT&SF wishes to commence construction of a second main line track at the earliest possible date.

ORDER

IT IS ORDERED THAT:

1. The Atchison, Topeka and Santa Fe Railway Company (AT&SF) is authorized to construct an additional crossing at separated grades over Truxtun Avenue in Bakersfield, Kern County, at the location and substantially as shown by plans attached to the Application and Appendix A of this order, identified as Crossing 2-889.4-B.

2. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.

3. 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 approved by Caltrans, shall be filed with the Commission's Safety and Enforcement Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

4. Within 30 days after completion of the work under this order, AT&SF shall notify the Commission in writing that the authorized work has been completed.

5. 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.

6. The application is granted as set forth above.
This order becomes effective today.
Dated JULY 19 1995 at San Francisco, California.

DANIEL Wm. FESSLER
President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

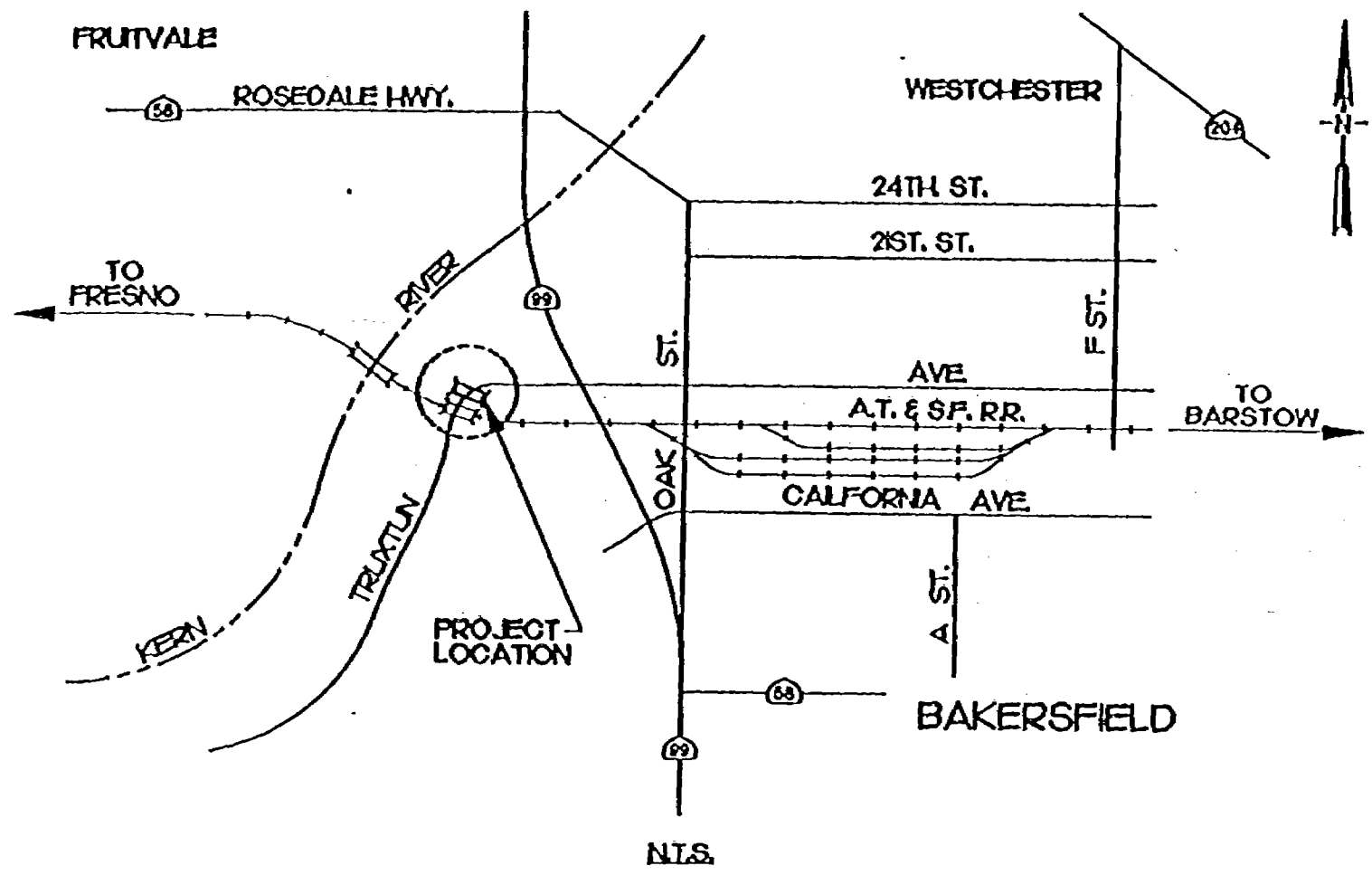
HENRY M. DUQUE

Commissioners

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

Wesley Franklin

Acting Executive Director



VICINITY MAP

TRUXTUN AVENUE UNDERPASS

