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Decision 97-03-032 March 18, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Kern for an)
Order authorizing construction of a)
crossing at separated grades between)
Calloway Drive and the tracks of The)
Burlington Northern and Santa Fe Railway,)
sometimes referred to as the "Calloway)
Drive Underpass" PUC No. 2-892.6B)

Application 97-01-049
(Filed January 30, 1997)

ORIGINAL

O P I N I O N

The County of Kern (County) requests authority to construct Calloway Drive Underpass at separated grades under the tracks of The Burlington Northern and Santa Fe Railway Company's (BNSF) Fresno-Bakersfield Main Line near Bakersfield in Kern County. The tracks are used jointly with the National Railroad Passenger Corporation (AMTRAK).

County proposes to construct a grade separation Underpass, consisting of a prestressed concrete structure, which will carry Calloway Drive under BNSF's single main line track. Total length of the underpass will be approximately 148 feet measured back-to-back of abutments. Superstructure, abutments and piers will be of reinforced concrete. Space will be provided for a possible future second track. Six 12-foot vehicular lanes, one 14-foot median, and two 6-foot bicycle path-sidewalks will be carried through the proposed underpass. Total width of the underpass structure will be 92 feet 9 inches. During the period of construction, vehicular traffic will be carried on a detour roadway adjacent to the present traveled way and across a temporary at-grade crossing. Upon completion of the grade separation Underpass and its availability for public traffic, vehicular traffic will be rerouted from the temporary at-grade crossing, which will be entirely removed and closed, to the grade separation Underpass.

The Calloway Drive Underpass project ranks number 18 in the 1996-1997 Grade Separation Priority List of Decision (D.) 96-06-041, dated June 19, 1996, in Order Instituting Investigation (I.) 95-07-003.

County 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. County has determined that this project, the elimination of an existing at-grade crossing, is categorically exempt from the reporting requirements of CEQA under PR Code Section 21080.13.

The Commission is a responsible agency for this project under CEQA, and has also reviewed and considered the lead agency's exemption determination. The existing Calloway Drive at-grade crossing and adjacent areas have been inspected by the Commission's Rail Safety and Carriers Division Staff - Traffic Engineering Section. After reviewing the need for and safety of the proposed Calloway Drive Underpass, Staff recommends that County's request be granted.

The application was found to be in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure which relates to the construction of public highway crossings and separations under a railroad. A site map and detailed drawing of the Underpass structure are shown in Appendix A.

County plans to file an application for grade separation funds prior to the filing date of April 1, 1997 therefore, this order should be effective immediately.

Findings of Fact

1. Notice of the Application was published in the Commission's Daily Calendar on February 6, 1997. No protests have been received. A public hearing is not necessary.
2. County requests authority under Public Utilities Code Sections 1201-1205 to construct Calloway Drive Underpass grade

separation under the tracks of BNSF's Fresno-Bakersfield Main Line near Bakersfield, Kern County.

3. The Calloway Drive Underpass grade separation will improve traffic circulation and reduce traffic impacts from high speed BNSF piggyback and container trains as well as San Joaquin AMTRAK trains and rapidly developing West Bakersfield/Fruitvale urban area.

4. The grade separation Underpass is required to carry vehicular traffic under the heavily used BNSF railroad freight and AMTRAK passenger train line.

5. Public convenience, necessity and safety require construction of the grade separation Underpass.

6. Upon the commencement of construction, the existing at-grade crossing at Calloway Drive will be closed permanently and a temporary detour at-grade crossing from Southwest Frontage Road to Northwest Frontage Road will be opened to public traffic. Upon completion of the Calloway Drive Underpass and its opening to vehicular traffic, the temporary detour at-grade crossing will be closed.

7. Public safety also requires that the temporary detour at-grade crossing be protected by two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

8. County is the lead agency for this project under CEQA, as amended.

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

Conclusions of Law

1. Under Public Resources Code Section 21080.13 the activity is exempted from the requirements set forth in CEQA; therefore the guidelines (14 Cal. Admin. Code - Division 6) concerning the

evaluation of projects and the preparation and review of environmental documents do not apply.

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

O R D E R

IT IS ORDERED THAT:

1. County of Kern (County) is authorized to construct Calloway Drive Underpass at separated grades under the tracks of The Burlington Northern and Santa Fe Railway Company's (BNSF) Fresno-Bakersfield Main Line in Kern County, at the location and substantially as shown by plans attached to the Application and Appendix A of this order, identified as Crossing 2-892.6-B. The tracks are used jointly with the National Railroad Passenger Corporation (AMTRAK).

2. Upon the commencement of construction, the existing Calloway Drive at-grade Crossing 2-892.6 shall be closed and physically removed and a temporary detour at-grade crossing from Southwest Frontage Road to Northwest Frontage Road will be opened to public traffic. Upon completion of the Calloway Drive Underpass and its opening to vehicular traffic, the temporary detour at-grade crossing shall be closed and physically removed.

3. Protection at the temporary detour crossing shall be two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C), which shall be removed upon opening of the Underpass.

4. Clearances shall be in accordance with GO 26-D. Walkways shall conform to GO 118.

5. 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 BNSF, shall be filed with the Commission's Rail Safety and Carriers Division Staff prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Within 30 days after completion of the work under this order, County shall notify the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.

7. 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.

8. The application is granted as set forth above.

This order becomes effective today.

9. Application 97-01-049 is closed.

Dated March 18, 1997, at San Francisco, California.

P. GREGORY CONLON

President

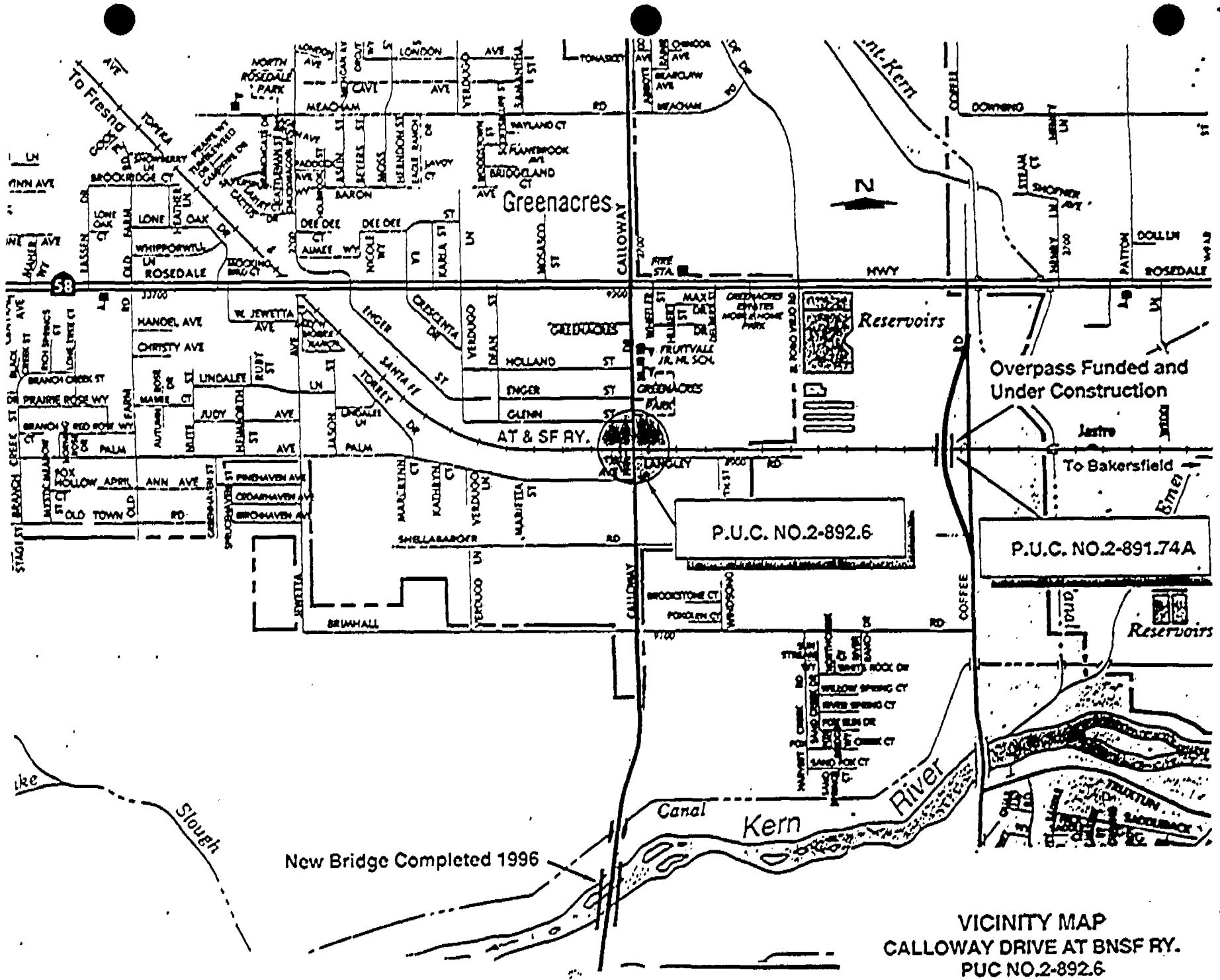
JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners



VICINITY MAP
CALLOWAY DRIVE AT BNSF RY.
PUC NO.2-892.6

