

Mailed: 9/3/99

Decision 99-09-012 September 2, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Bakersfield for an)
 Order authorizing construction of structures)
 to carry additional tracks at the Q Street and)
 Chester Avenue Underpasses and the tracks of the)
 Burlington Northern and Santa Fe Railway,)
 sometimes referred to as the "Amtrak)
 Underpasses" (PUC No. 2-886.9B & 2-887.35B)

Application 98-09-037
(Filed September 30, 1998)

OPINION

As part of the proposed project to relocate the existing National Railroad Passenger Corporation (Amtrak) passenger station and to install a new separate track for the exclusive use of Amtrak, City of Bakersfield (City) requests authority to construct structures to carry additional tracks at the proposed Q Street and existing Chester Avenue Underpasses at separated grades under the tracks of The Burlington Northern and Santa Fe Railway Company's (BNSF) Fresno-Bakersfield Main Line in Bakersfield, Kern County.

Relocation of the Amtrak Station is needed to place the station in a more favorable development area and closer to commercial and recreational facilities in an area where more convenient transfer may occur between the San Joaquin passenger trains and connecting buses operating to and from Los Angeles and other cities. The existing station site and building are grossly undersized in terms of handling current and projected ridership.

City proposes to construct an additional Q Street grade separation Underpass two-track railroad bridge structure parallel to and north of the proposed Q Street grade separation Underpass under BNSF's double-track Main Line authorized by Decision (D.) 97-03-045, dated March 18, 1997, of Application (A.) 97-02-026. The proposed additional structure would span the depressed roadway of Q Street to carry lead tracks to the proposed Amtrak Station in

Bakersfield. The proposed structure would carry an Amtrak lead track by means of a prestressed concrete structure with a total length of about 148 feet, measured from abutment to abutment. Four 12-foot vehicular lanes, one 14-foot median, and two 6-foot bicycle path-sidewalks will be carried beneath the proposed additional span.

City also proposes to construct superstructure to carry one additional track at the existing Chester Avenue Underpass. The proposed superstructure track will be used for BNSF freight switching operations, thereby releasing an existing BNSF track on the north side of the underpass for use as a lead track for exclusive Amtrak use. The proposed underpass superstructure will span the existing Chester Avenue Underpass by means of two 50-foot – 9-inch structural steel girder spans supporting a concrete deck. The total length of the superstructure will be approximately 101 feet – 6 inches, measured from abutment to abutment.

City 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. City has determined that this project, the elimination of an existing at-grade crossing or the reconstruction of an existing grade separation, 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 also has reviewed and considered the lead agency's exemption determination. The proposed Q Street grade separation Underpass, the existing Chester Avenue grade separation Underpass, and adjacent areas have been inspected by the Commission's Rail Safety and Carriers Division – Rail Crossings Engineering Section. After reviewing the need for and safety of both proposed grade separation Underpass structures, Staff recommends that City's request be granted.

The application was found to be in compliance under the Commission's filing requirements, including Rule 40 of Rules of Practice and Procedure which relates to the construction of railroad tracks across public highway crossings and separations. A site map and detailed drawings of the proposed grade separation Underpasses are shown in Appendix A.

In Resolution ALJ-176-3001, dated October 8, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, a public hearing is not

necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ-176-3001.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311 (g) (2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on October 2, 1998. No protests have been received. A public hearing is not necessary.
2. City requests authority, under Public Utilities Code Sections 1201 - 1205, to construct structures to carry additional tracks at the proposed Q Street and existing Chester Avenue Underpasses at separated grades under the tracks of The Burlington Northern and Santa Fe Railway Company's (BNSF) Fresno-Bakersfield Main Line in Bakersfield, Kern County.
3. Construction of the structures is necessary for the Amtrak Station relocation, needed to place the station in a more favorable development area and closer to commercial and recreational facilities in an area where more convenient transfer may occur between the San Joaquin passenger trains and connecting buses operating to and from Los Angeles and other cities.
4. Public convenience, necessity, and safety require construction of the structures to carry additional tracks at the grade separation Underpasses.
5. City is the lead agency for this project under CEQA, as amended.
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. Under Public Resources Code Section 21080.13, the activity is statutorily 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.

ORDER

IT IS ORDERED that:

1. City of Bakersfield (City) is authorized to construct structures to carry additional tracks at the Q Street and Chester Avenue Underpasses at separated grades under the tracks of The Burlington Northern and Santa Fe Railway Company's (BNSF) Fresno-Bakersfield Main Line in Bakersfield, Kern County, at the locations and substantially as shown by the plans attached to the application and Appendix A of this order, identified as Crossings 2-886.9-B (Q Street Underpass) and 2-887.35-B (Chester Avenue Underpass).
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 parties. A copy of the agreement shall be filed with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of the construction and maintenance by further order.
4. Within 30 days after completion of the work under this order, City 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.

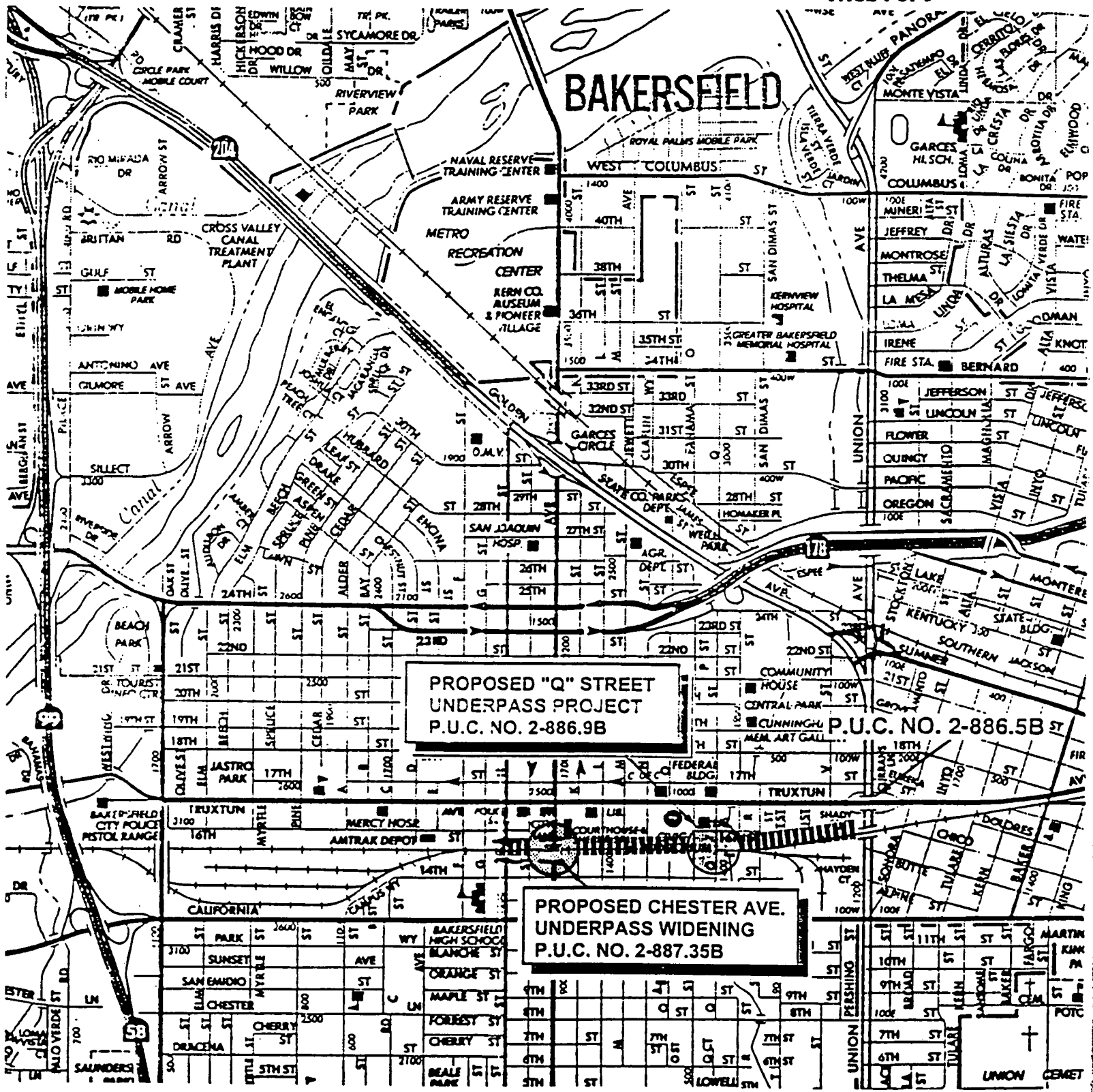
6. The Application is granted as set forth above.

Application 98-09-037 is closed.

This order becomes effective thirty (30) days from today.

Dated September 2, 1999, at San Francisco, California.

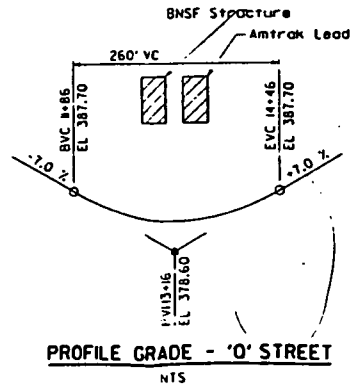
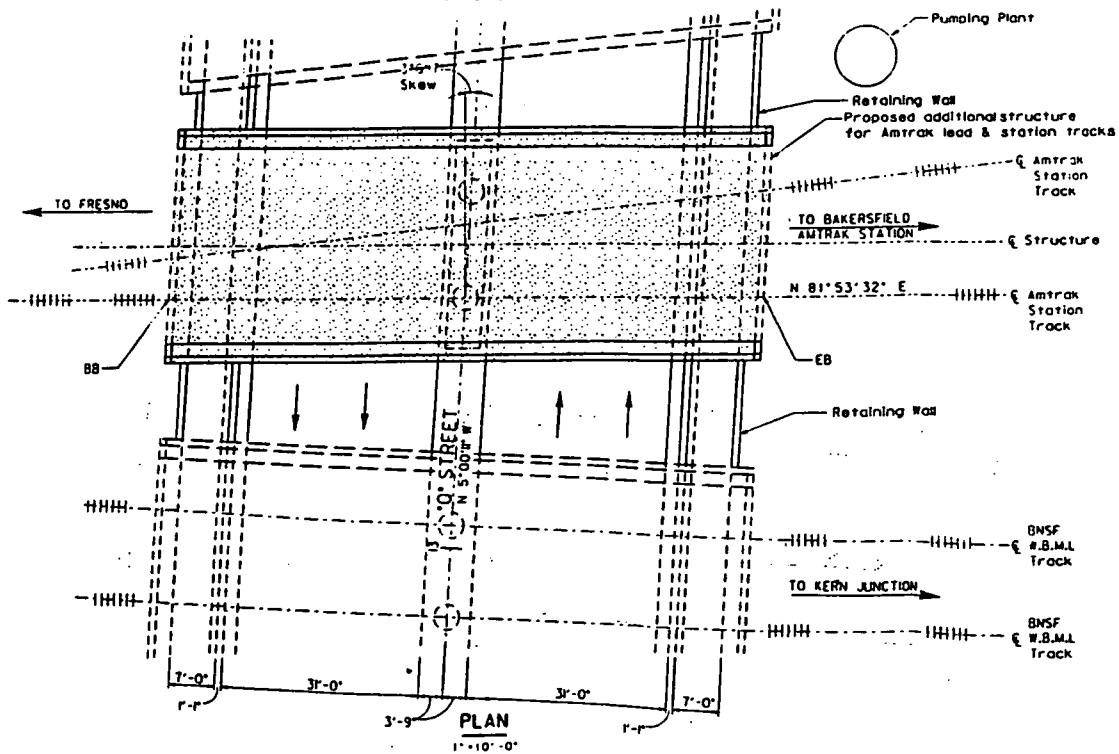
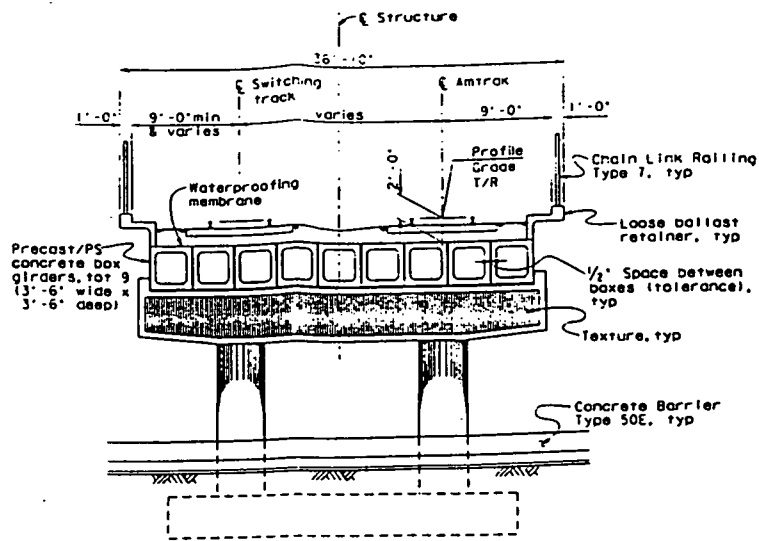
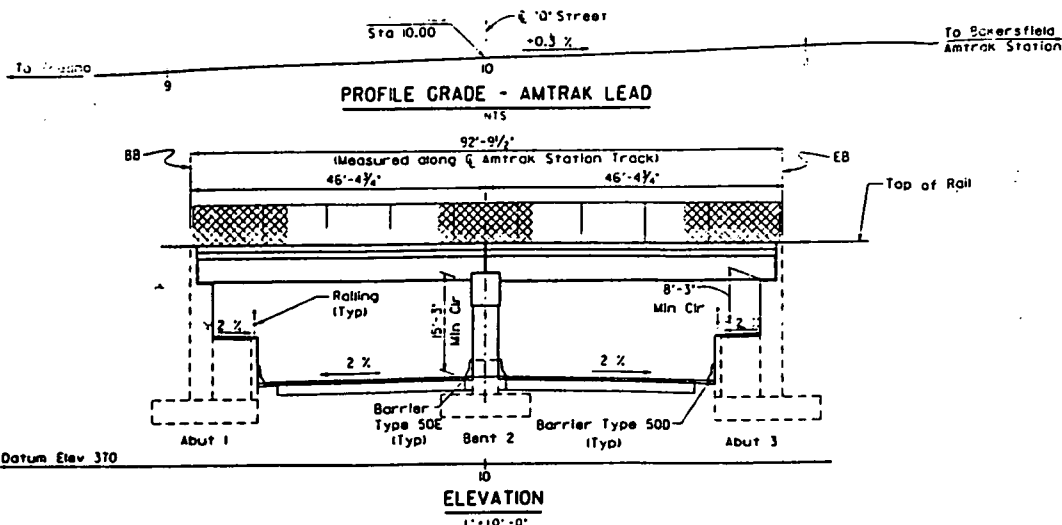
RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
JOEL Z. HYATT
CARL W. WOOD
Commissioners



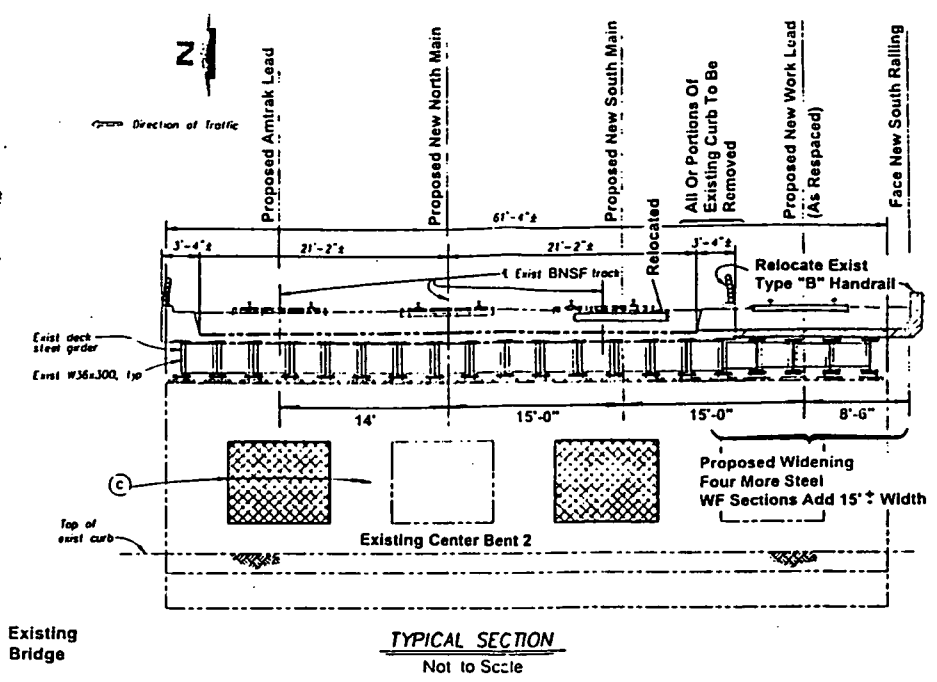
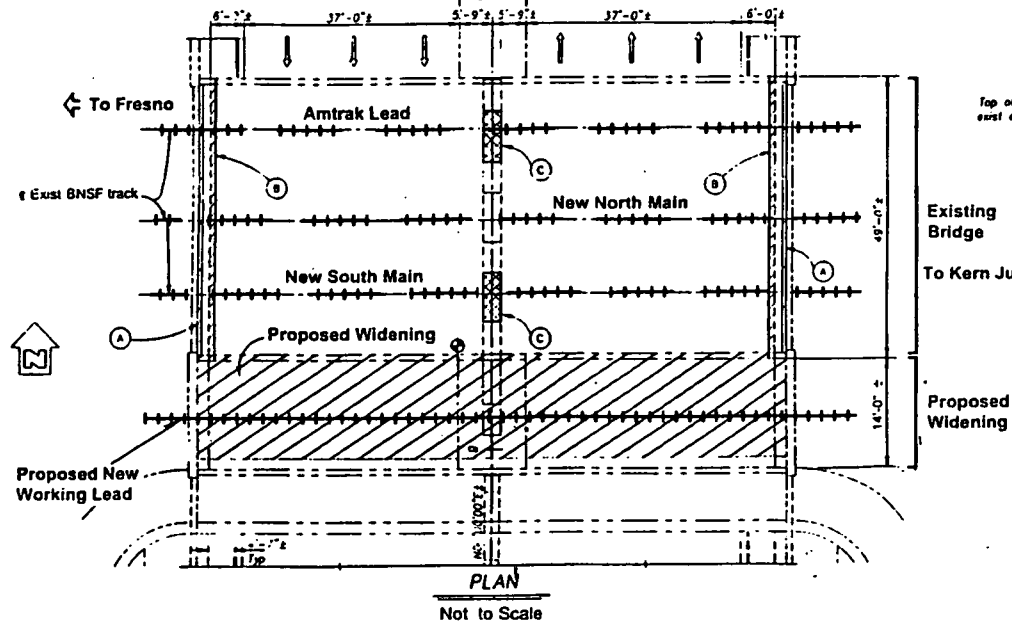
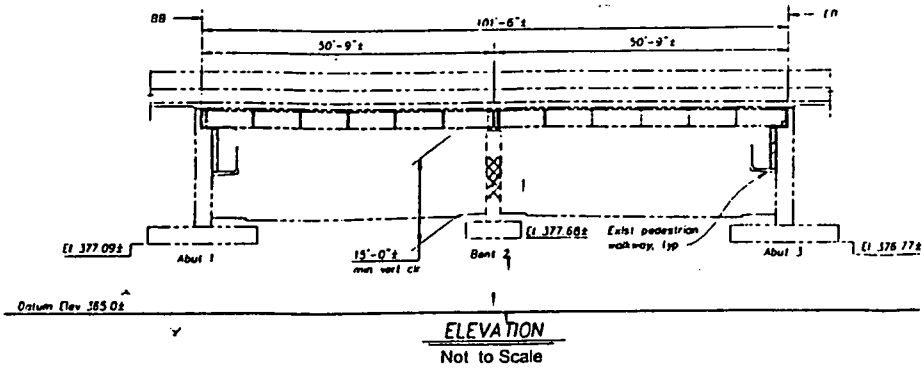
LEGEND:
 Trackwork Areas

**"Q" STREET UNDERPASS
 AND CHESTER AVE. UNDERPASS
 WIDENING AT BNSF RY.**

**VICINITY MAP
 City of Bakersfield
 GREATER BAKERSFIELD
 SEPARATION OF GRADE DISTRICT**



CITY OF BAKERSFIELD
PLAN AND ELEVATION OF AMTRAK
LEAD STRUCTURE AT O STREET
UNDERPASS PUC NO. 2-886.9B



CITY OF BAKERSFIELD
 CHESTER AVE. UNDERPASS
 P.U.C. NO. 2-887.35B
 PLAN AND ELEVATION OF PROPOSED
 WIDENING FOR FOURTH TRACK