

PUBLIC UTILITIES COMMISSION

320 W 4th Street, Suite 500
Los Angeles, CA 90013



May 10, 2021

File Number: XREQ 2021040006
Merced Avenue
Unincorporated Kern County

Bruce Armistead
Director of Operations and Maintenance
California High-Speed Rail Authority
770 L Street, Suite 620
Sacramento, CA 95814

SENT VIA EMAIL

Re: General Order 88-B Request for Authority to Alter the Merced Avenue At-Grade Highway-Rail Crossing, CPUC Crossing Number 002-908.00 and DOT Number 028395F in Unincorporated Area of Kern County

Dear Mr. Armistead:

This refers to your letter, received by us on April 11, 2021, requesting authorization, pursuant to California Public Utilities Commission (Commission/CPUC) General Order (GO) 88-B, to modify the Merced Avenue highway-rail at-grade crossing (crossing) of BNSF Railway Company (BNSF) Bakersfield Subdivision track in unincorporated area of Kern County (County). The crossing is identified as CPUC Crossing No. 002-908.00 and DOT No. 028395F.

The crossing consists of a single track and two-lane roadway, located approximately 145 feet east of the intersection of Merced Avenue/Central Valley Highway (State Route 43). The crossing is equipped with three Commission Standard 9 (flashing light signal assembly with automatic gate arm) warning devices. Approximately 40 freight trains (BNSF) and 14 passenger trains (Amtrak) operate over the crossing daily, with a maximum speed of 70 miles per hour (MPH) for freight service and 79 MPH for passenger service. The average daily traffic is approximately 371 vehicles.

The California High-Speed Rail Authority (CHSRA) proposes to eliminate the at-grade Merced Avenue crossing and replace it with a grade-separated (overhead) crossing over the BNSF track and two California High-Speed Train System (CHSTS) proposed tracks. The two CHSTS tracks will be located generally parallel and east of the BNSF track. The overhead roadway will be a multi-span bridge that will consist of two 12-foot-wide vehicle lanes and two 8-foot-wide shoulders.

The alterations, as indicated in the CHSRA's request letter and/or shown on the plans, consist of:

- Eliminating the BNSF at-grade highway-rail crossing at Merced Avenue.
- Constructing the new Merced Avenue overhead crossing over the BNSF and CHSTS tracks approximately 950 feet north-west of the existing crossing.
- Installing two CHSTS tracks east of the BNSF tracks.
- Constructing an intrusion protection barrier between the CHSTS and BNSF tracks.

The overhead bridge will meet the vertical and horizontal clearance requirements of the Commission's GO 26-D

The crossing Department of Transportation (DOT) Number 028395F will be retired and the new grade separated crossing will be identified as DOT Number 968538V for both BNSF and CHSRA tracks. The new grade-separated crossing shall be identified as CPUC Crossing Number 002-908.16-A for the BNSF track and 135S-283.70-A for the CHSRA tracks.

This crossing project is part of the California High-Speed Train (CHST) Project Construction Package 4 (CP 4). CHSRA has prepared and filed a Final Environmental Impact Report/ Environmental Impact Statement, with findings of significant impact for CP 4 of the CHST Project, of which this project is a part, which is not exempt from the requirements of the California Environment Quality Act (CEQA) of 1970, as amended [California Public Resources Code § 21084]; however, as this particular crossing project involves eliminating an existing at-grade crossing and replacing it with a grade-separated crossing, this project is statutorily exempt from the requirements of the California Environmental Quality Act of 1970, as amended [California Public Resources Code §21080.13].

The Commission's Rail Crossings and Engineering Branch (RCEB) investigated CHSRA's request and finds it adequately addresses compliance and safety. As the County, the California Department of Transportation (Caltrans), BNSF, and CHSRA (Parties) are in agreement as to the design and apportionments of the cost under the provisions of GO 88-B, the improvements as described in your request letter, and summarized above are authorized.

All Parties shall comply with all applicable rules, including other Commission General Orders and the latest version of the California Manual on Uniform Traffic Control Devices (CAMUTCD), published by Caltrans. During construction, temporary traffic controls shall be in compliance with the latest version of the CAMUTCD and detour plans as agreed to by the Parties.

This authorization shall expire if the above conditions are not complied with, or if the work is not completed within three years of the date of this letter. Upon written request to this office, the time to complete the project may be extended. Any written request for a time extension must include concurrence letters by involved Parties in support of the time extension. If an extension is requested, RCEB may re-evaluate the crossing prior to granting an extension.

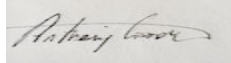
Within 30 days after completion of this project, the CHSRA shall notify RCEB that the authorized work is completed, by submitting a completed Commission Standard Form G titled *Report of Changes at Highway Grade Crossings and Separation*. Form G requirements and forms can be obtained at the CPUC web site at <http://www.cpuc.ca.gov/crossings>. This report may be submitted electronically to rceb@cpuc.ca.gov as outlined on the web page.

At the conclusion of the project, BNSF should electronically submit an updated Federal Railroad Administration (FRA) inventory form (Form F6180.71) to the FRA, reflecting the changes. Commission requests a concurrent copy of the updated inventory form be submitted to rceb@cpuc.ca.gov.

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If you have any questions, please contact Oliver Garcia at (213) 369-4674 or og1@cpuc.ca.gov.

Sincerely,



Anton Garabetian, P.E.
Program Manager
Rail Crossings and Engineering Branch
Rail Safety Division

C: **(SENT VIA EMAIL)**

Craig M. Pope, Kern County
Emad Abi-Rached, Caltrans
Kate Kalinosky, BNSF