

ORIGINAL

Decision 84 C9 055

SEP 6 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Eureka)
to construct a City Street across)
the right of way of Northwestern)
Pacific Railroad Company at)
Washington Street)

Application 59971
(Filed September 26, 1980;
amended February 21, 1984)

O P I N I O N

As part of the project to develop its waterfront, the City of Eureka (City) requests authority to construct Washington Street at grade across the tracks of Northwestern Pacific Railroad Company's (NWP) main line in Eureka, Humboldt County.

The proposed crossing will provide access to public and private properties located between the railroad right-of-way and Humboldt Bay. Traffic circulation will be improved for the area bounded by Broadway on the east, 15th Street on the south, NWP's tracks on the west, and a line 180 feet north of Washington Street on the north. The proposed crossing will connect to Waterfront Drive which will provide northbound traffic from the above area with access to the city grid via First and "C" Streets.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000, et seq. After preparation and review of an Initial Study, City issued a Negative Declaration

and approved the project. On October 18, 1974, a Notice of Determination was filed with the Humboldt 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 reviewed and considered the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

By motion to late-file its protest and protest filed January 30, 1981, NWP set forth certain objections to granting of City's request for authority to construct Washington Street at grade across NWP's tracks. By Examiner's Ruling dated February 20, 1981, NWP's motion to late-file its protest was granted.

NWP stated that it was opposed to the proposed Washington Street grade crossing as it would cross its terminal facilities in Eureka near the center of the yard. Under such circumstances, NWP believed that a grade crossing would be hazardous and unsatisfactory to both the public and the railroad.

As a condition to withdrawal of the protest, NWP and City negotiated a Memorandum of Understanding (MOU) dated August 29, 1983. The MOU was included as part of the amended

application and indicates that NWP and City have reached agreement on the following items:

a. Upon completion of the Washington Street grade crossing, the existing Commercial Street grade crossing (Crossing 5-284.0) and a private grade crossing at "A" Street will be closed and physically removed.

b. The number of tracks at the proposed grade crossing will be reduced from six to two by relocating the ladder lead track to the east.

c. A new spur track will be constructed east of the proposed crossing to serve a parcel of land currently leased by NWP to an industry.

d. Construction expense of the proposed grade crossing and installation cost of the automatic protection at the crossing will be borne in accordance with an agreement which has been entered into between City and NWP.

Notice of the amended application was published in the Commission's Daily Calendar on February 29, 1984. There are no outstanding protests to the application.

Findings of Fact

1. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Washington Street at grade across the tracks of NWP's main line in Eureka, Humboldt County.

2. The proposed crossing is required to provide access to public and private properties between the NWP right-of-way and Humboldt Bay.

3. Public convenience and necessity require construction of the proposed railroad-highway crossing.

4. Public safety requires that protection at the crossing be two Standard No. 9 automatic gate-type signals. (General Order (GO) 75-C).

5. Upon completion of the Washington Street grade crossing and its opening to vehicular traffic, the existing Commercial Street grade crossing (Crossing 5-284.0) and a private grade crossing at "A" Street will be closed and physically removed.

6. The number of tracks at the Washington Street grade crossing will be reduced from six to two by relocation of the ladder lead track to the east.

7. City is the lead agency for this project under CEQA, as amended.

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

9. The project will have no significant impact on the environment.

Conclusion of Law

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 Eureka (City) is authorized to construct Washington Street at grade across the tracks of Northwestern Pacific Railroad Company's (NWP) main line in Eureka, Humboldt County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 5-283.5.
2. Construction of the crossing shall be equal or superior to Standard No. 1 of GO 72-B.
3. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.
4. Protection at the crossing shall be two Standard No. 9 automatic gate-type signals (GO 75-C).
5. Construction expense of the crossing and installation cost of the automatic protection shall be borne in accordance with an agreement which has been entered into by City and NWP.
6. Maintenance cost of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be shared equally by City and NWP under PU Code Section 1202.2.

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7. Construction plans of the crossing, approved by NWP, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

8. Upon completion of the Washington Street grade crossing, and its opening to vehicular traffic, the existing Commercial Street grade crossing (Crossing 5.284.0) and a private grade crossing at "A" Street shall be closed and physically removed.

9. The number of tracks at the location of the proposed grade crossing shall be reduced from six to two by relocation of the ladder lead track to the east.

10. 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.

11. The application is granted as set forth above.

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This authorization shall expire if not exercised within two 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.

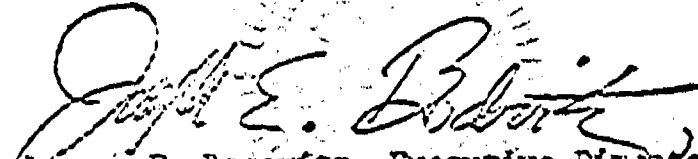
This order become effective 30 days from today.

Dated SEP 6 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director