

ORIGINAL

Decision 84 11 034 NOV 7 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of The City of Eureka to construct)	
a City Street across the Right of)	
Way of the Northwestern Pacific)	Application 84-07-079
Railroad Company on "L" Street)	(Filed July 12, 1984)
in the Waterfront Drive area of)	
Eureka.)	
_____)	

O P I N I O N

As part of the project to develop its waterfront area, the City of Eureka (City) requests authority to construct "L" Street at grade across the tracks of Northwestern Pacific Railroad Company's (NWP) Korblex Branch Line in Eureka, Humboldt County.

The proposed grade crossing will provide access to the planned Waterfront Drive which will be constructed from "L" Street to "T" Street. The area between Waterfront Drive and Humboldt Bay will be the site of a major development, to be known as Halvorsen Village, which will consist of a major hotel, an auditorium, public park, restaurant, amphitheatre, boat docks, and commercial establishments.

Major impacts of the project include construction disruption, residential displacement, business and employment displacement, obstructions to bay views, and increased vehicular traffic. Mitigation measures will reduce the severity of the adverse impacts to an acceptable level.

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 Environmental Impact Report (EIR), City approved the project. On July 14, 1983, a Notice of Determination was filed with the Secretary for Resources which found that "The project will 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 EIR. The site of the proposed project has been inspected by the Commission staff.

Notice of the application was published in the Commission's Daily Calendar on July 30, 1984. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct "L" Street at grade across the tracks of NWP's Korblex Branch Line in Eureka, Humboldt County.
2. Construction of the "L" Street grade crossing is required to provide access to a proposed commercial development adjacent to 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. 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 EIR.

7. The project will have a significant effect on the environment; however, the adopted mitigation measures will reduce the severity of the adverse impacts to acceptable levels.

8. The EIR identifies no significant environmental impact that will be associated with construction of the "L" Street grade crossing.

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 "L" Street at grade across the tracks of Northwestern Pacific Railroad Company's (NWP) Korblex Branch Line in Eureka, Humboldt County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing SCA-284.8.

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 by City.

6. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.

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. 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.

9. The application is granted as set forth above.

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.

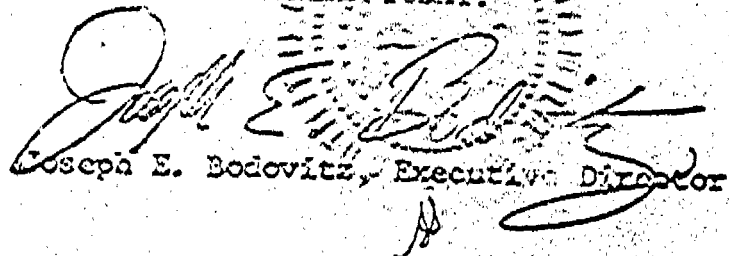
A.84-07-079 T/ET/AV/WPSC

This order becomes effective 30 days from today.

Dated NOV 7 1984, at San Francisco, California.

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

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


Joseph E. Bodovitz, Executive Director