

Decision 90-08-041 August 8, 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,))
Department of Transportation, for an))
order authorizing the Department to:))
widen the existing Arcata Overhead in))
the City of Arcata, Humboldt County,))
State of California.))

Application 90-05-005
(filed May 2, 1990)

O P I N I O N

The State of California, Department of Transportation (Caltrans), requests authority to widen the existing Arcata Overhead along U. S. Route 101 over Eureka Southern Railroad Company's (ESR) main line tracks in Arcata, Humboldt County.

The existing Arcata Overhead, Crossing 85-294.3-A, consists of two structures, one for northbound traffic lanes and another for southbound traffic lanes. Caltrans proposes to widen only the southbound structure (Bridge No. 4-79-L). The proposed work on the west side of the structure will include widening of nearly 10 feet and installation of a new barrier rail. The work on the east side of the structure involves only removal and replacement of the barrier rail. The project, by providing a shoulder and upgraded railing, will improve safety on U. S. Route 101.

Caltrans 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. Caltrans has determined that the project is categorically exempt from CEQA under Title 21 (Department of Transportation), subchapter 11, Section 1510.1 (c) of the California Administrative Code. Section 1510.1 applies to Class 1 - Existing Facilities with subsection (c) being applicable to activities involving existing streets and highways.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's categorical exemption determination. The site of the proposed project has been examined by the Commission's Safety Division Traffic Engineering staff. The staff examined the need for and safety of widening of the crossing. The staff recommends that the sought authority be granted.

Application 90-05-005 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad. A Sketch of the crossing is set forth as Appendix A.

Notice of the application was published in the Commission's Daily Calendar on May 8, 1990. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Caltrans requests authority under Public Utilities Code Sections 1201-1205 to widen existing Arcata Overhead, Crossing 85-294.3-A, over the ESR's main line tracks in Arcata, Humboldt County.
2. Widening of the overhead is required to provide a shoulder, upgraded barrier railing, and improved roadway safety.
3. Public convenience, necessity, and safety require widening of the overhead.
4. Caltrans is the lead agency for this project under CEQA, as amended.
5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's categorical exemption determination.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

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

2. The activity is not covered by the requirements set forth in CEQA and, therefore, the Guidelines (14 Cal. Admin. Code - Div. 6) concerning the evaluation of projects and the preparation and review of environmental documents do not apply.

O R D E R

IT IS ORDERED that:

1. The State of California, Department of Transportation (Caltrans), is authorized to widen the existing Arcata Overhead along U. S. Route 101 over Eureka Southern Railroad Company's (ESR) main line tracks in Arcata, Humboldt County, at the location and substantially as shown by plans attached to the application, identified as Crossing 85-294.3-A.

2. Clearances shall be in accordance with General Order (GO) 26-D; except that during the period of construction a clearance of not less than 21 feet 6 inches above top of rail shall be authorized and ESR shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with the Commission's Safety Division forbidding employees to ride on tops of cars beneath the structure.

3. Caltrans shall notify the Commission's Safety Division and ESR at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

4. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

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 of the crossing approved by ESR, shall be filed with the Commission's Safety Division 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 construction of the work under this order, Caltrans shall notify the Commission's Safety 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.

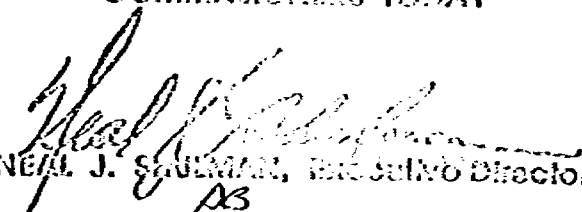
8. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated August 8, 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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


NEAL J. SHAFER, Executive Director

