

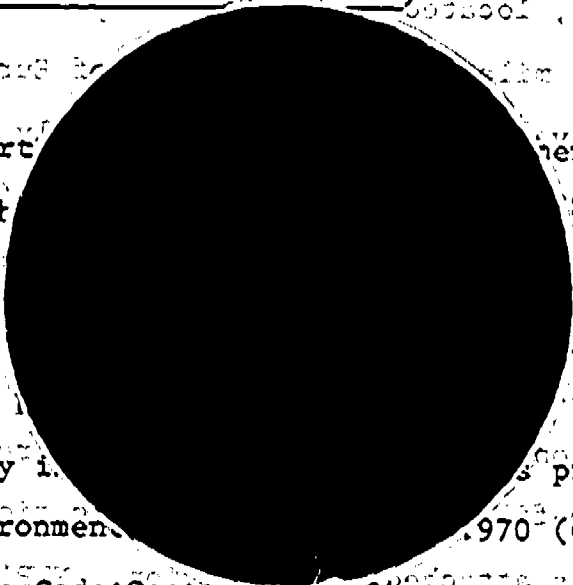
Decision 82-05-048 MAY 17 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Humboldt acting through its Board of Supervisors for an order authorizing the conversion of a private crossing at grade across a spur line of the Northwestern Pacific Railroad, being 100' + westerly of public crossing No. 5-277-70 located on South Bay Depot Road County Road No. 3J690 at Mile Post No. 0.20 into a public crossing.

Application 61162
(Filed December 31, 1981)



As part of Humboldt Bay, the construct South Northwestern Pa Fields Landing, County i. California Environmen

ment of a marina on requests authority to the tracks of main line siding in project under the 1970 (CEQA), as amended,

Public Resources Code Sections 15000 et seq. On February 9, 1982, County approved a Categorical Exemption Determination which found that the project is categorically exempt from the provisions of CEQA under Class 1: Existing Facilities, as an existing highway facility, under Section 15101(c) of the CEQA Guidelines (14 Cal. Admin. Code).

opinion, two standard No. 1-R warning devices should be required at the new crossing of the side track, two Standard No. 9 warning devices should be required on the adjacent main line crossing (Crossing 5-277.7), and the cost of the improvements should be required.

By Humboldt County agreed to the automatic protection letter addressed to NWP with staff, however, recommended warning signs be installed at the main line crossing consideration be given to protection of track crossing at a later date, as the main line crossing not involved in the instant application.

By letter dated April 22, 1982, NWP withdrew its protest.

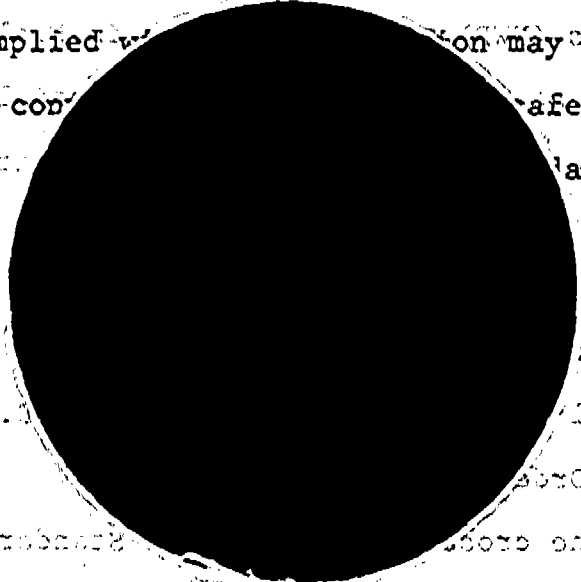
There are no unresolved protests to the application. A public hearing is not necessary.

Findings of Fact

1. County requests authority under Public Utilities Code Sections 1201-1205 to construct South Bay Depot Road at grade across the track of NWP's main line siding in Fields Landing, Humboldt County.

8. Within 30 days after completion, under this order, County shall advise the Commission in writing.

This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. This authorization may be revoked or modified if public convenience, safety, or otherwise so require.



San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

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

Joseph E. Bodovitz
Joseph E. Bodovitz, Executive Director

CORRECTION

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

Decision 82-05-048 MAY 17 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Humboldt) acting through its Board of Super- visors for an order authorizing the conversion of a private crossing at grade across a spur line of the Northwestern Pacific Railroad, being 100' + westerly of public crossing No. 5-277-70 located on South Bay Depot Road County Road No. 3J690 at Mile Post No. 0.20 into a public crossing.

Application 61162 (Filed December 31, 1981)

OPINION

As part of the project for development of a marina on Humboldt Bay, the County of Humboldt (County) requests authority to construct South Bay Depot Road at grade across the tracks of Northwestern Pacific Railroad Company's (NWP) main line siding in Fields Landing, Humboldt County.

County 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. On February 9, 1982, County approved a Categorical Exemption Determination which found that the project is categorically exempt from the provisions of CEQA under Class 1: Existing Facilities, as an existing highway facility, under Section 15101(c) of the CEQA Guidelines (14 Cal. Admin. Code).

The Commission is ~~the~~ responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Categorical Exemption Determination. The site of the proposed project has been inspected by the Commission staff.

The project will replace an existing private grade crossing of the tracks of NWP's main line siding with a public road, constructed to county standards, to provide access to property of the Humboldt Bay Harbor Recreation and Conservation District (HBHRCD), located in the Community of Fields Landing, approximately six miles south of the City of Eureka.

The private crossing is approximately 110 feet west of the main line crossing of South Bay Depot Road (Crossing 5-277.7). HBHRCD is constructing a marina on eight acres of its property, just west of the private crossing, which would contain 30 slips and a boat repair facility.

By motion filed March 10, 1982, NWP requested that it be permitted to late-file its protest to Application 61162. A copy of the protest was attached to the motion. NWP's motion to permit late-filing of its protest was granted by Examiner's Ruling dated April 7, 1982.

In its protest, NWP alleged that the warning devices proposed, two California Standard W-47 signs, and other features of the proposed new public crossing, are unsatisfactory. In NWP's

opinion, two standard No. 1-R warning devices should be required at the new crossing of the side track, two Standard No. 9 warning devices should be required on the adjacent main line crossing (Crossing 5-277.7), and the entire cost of the improvements should be required to be borne by County.

By letter dated March 15, 1982, County agreed to the automatic protection proposed by NWP. In a letter addressed to NWP with copy to County, the Commission staff, however, recommended that two Standard No. 1-R crossing signs be installed at the main line siding crossing and that consideration be given to protection improvements at the main track crossing at a later date, as the main track crossing is not involved in the instant application.

By letter dated April 22, 1982, NWP withdrew its protest.

There are no unresolved protests to the application. A public hearing is not necessary.

Findings of Fact

1. County requests authority under Public Utilities Code Sections 1201-1205 to construct South Bay Depot Road at grade across the track of NWP's main line siding in Fields Landing, Humboldt County.

2. Construction of the crossing is required to provide public access to a marina and boat repair facility presently under construction.

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

4. Public safety requires that protection at the crossing be two Standard No. 1-R crossing signs (General Order 75-C).

5. Applicant is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Categorical Exemption Determination.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

The application should be granted as set forth in the following order, which should be effective today to facilitate timely construction.

Code Section 1201-1202 to construct South Bay Depot Road as shown across the track of NWS's main line along in Florida handling
Hampshire County.

ORDERED THAT THE COUNTY OF HUMBOLDT IS AUTHORIZED TO CONSTRUCT

1. The County of Humboldt (County) is authorized to construct South Bay Depot Road at grade across the tracks of Northwestern Pacific Railroad Company's (NWP) main line siding in Fields Landing, Humboldt County, at the location and substantially as shown by plans attached to the application, to be identified as a portion of Crossing 5-277.7. 2001 11 YAM

2. Construction of the crossing shall be equal or superior to Standard No. 1 of General Order 72-B.

3. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.

4. Protection at the crossing shall be two Standard No. 1-R crossing signs (General Order 75-C).

5. Construction expense of the crossing and installation cost of the signs shall be borne by County.

6. Maintenance of the crossing shall conform to General Order 72-B.

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, under this order, County shall advise the Commission in writing.

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 is effective today.
Dated MAY 17 1982, at San Francisco, California.

JOHN E. BRYSON

President

RICHARD D. CRAVELLE

LEONARD M. GRIMES, JR.

VICTOR CALVO

PRISCILLA C. CREW

Commissioners

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

Joseph E. Bodovitz
Joseph E. Bodovitz, Executive Director