

ORIGINAL

Decision 82 09 092 SEP 22 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Richmond,)   
 a Municipal Corporation, for an )   
 order authorizing an at-grade cross-)   
 ing of Marina Boulevard east of )   
 Marina Way South across two adjacent)   
 parallel spur tracks of the )   
 Atchison, Topeka and Santa Fe Rail-)   
 way Company and the Southern Pacific)   
 Transportation Company in the City )   
 of Richmond, Contra Costa County. )

Application 82-03-69  
(Filed March 19, 1982)

O P I N I O N

As part of the Richmond Port and Marina Development Project, the City of Richmond (City) requests authority to construct Marina Boulevard at grade across spur tracks of Southern Pacific Transportation Company (SPT) and The Atchison, Topeka and Santa Fe Railway Company (AT&SF) in Richmond, Contra Costa County.

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, City approved the project. On June 12, 1975, a Notice of Determination was filed with the Contra Costa County Clerk 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 independently evaluated and assessed the lead agency's Environmental Impact Report. The site of the proposed project has been inspected by the Commission staff.

The Richmond Port and Marina Development Project will include sophisticated port facilities for container loading and storage, a marina for small boats, new residential and commercial facilities, parking, and areas for public uses. Construction of Marina Boulevard will provide access to various planned developments within the Richmond Marina area.

The proposed crossing will be constructed in two steps. The first stage involves construction of the southerly half of Marina Boulevard to provide a two-lane crossing. Approximately one year later, a full four-lane facility with a 14-foot wide median will be constructed.

The Richmond Port and Marina Development Project will have a variety of natural and cultural impacts on the environment, both beneficial and adverse. Adverse impacts have been adequately addressed in the Environmental Impact Report with appropriate mitigation measures provided where deemed necessary.

By protest filed April 19, 1982, AT&SF stated that City must agree that crossing improvement plans be approved by AT&SF, that construction costs of the crossing be borne by City, and that all necessary agreements and documents be executed prior to construction.

By letter of April 29, 1982 to AT&SF, City agreed to the conditions imposed by AT&SF. Accordingly, AT&SF withdrew its protest by letter of May 5, 1982.

As a condition to agreeing to construction of the proposed Marina Boulevard crossing, SPT has requested that it be granted an exemption from the provisions of the Commission's General Order 135 to permit blocking of the crossing by train operations for up to 20 minutes in lieu of the 10 minutes allowed under General Order 135. It appears that the 10-minute blocking time limit could impair the efficiency of railroad operations and, there being no objection from City, we will grant the requested exemption from General Order 135 to permit blocking of the crossing by trains for periods not to exceed 20 minutes. Although no request for such exemption has been received from AT&SF, for the purposes of consistency, we will make the exemption apply to all railroad activities at the crossing.

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

Findings of Fact

1. City requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Marina Boulevard at grade across spur tracks of SPT and AT&SF in Richmond, Contra Costa County.
2. The proposed crossing is required to provide access to various proposed residential, commercial, and recreational facilities within the Richmond Marina area.
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 75-C) for the initial two-lane stage, and two Standard No. 9-A automatic gate-type signals with cantilevers for the ultimate four-lane facility.
5. Efficient railroad operations will be impaired unless trains are permitted to block the proposed crossing for periods not to exceed 20 minutes.
6. City is the lead agency for this project under CEQA, as amended.
7. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Environmental Impact Report.

8. The project will have a significant effect on the environment; however, the adopted mitigation measures will either eliminate or reduce the severity of the adverse impacts.

Conclusions of Law

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

2. An exemption from General Order 135 should be granted to permit a blocking time limit of 20 minutes at the proposed Marina Boulevard crossing.

O R D E R

IT IS ORDERED that:

1. The City of Richmond (City) is authorized to construct Marina Boulevard at grade across spur tracks of Southern Pacific Transportation Company (SPT) and The Atchison, Topeka and Santa Fe Railway Company (AT&SF) in Richmond, Contra Costa County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing A-14.85-C.

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. 9 automatic gate-type signals (General Order 75-C) for the initial two-lane stage, and two Standard No. 9-A automatic gate-type signals with cantilevers for the ultimate four-lane facility.

5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by City.

6. Operations on and across the crossing shall be in accordance with General Order 135, except that the blocking time limit as set forth in paragraph 1 of the General Order shall be increased from 10 to 20 minutes.

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

8. Construction plans of the crossing, approved by SPT and AT&SF, together with a copy of the agreements entered into among the parties, shall be filed with the Commission prior to commencing construction.

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

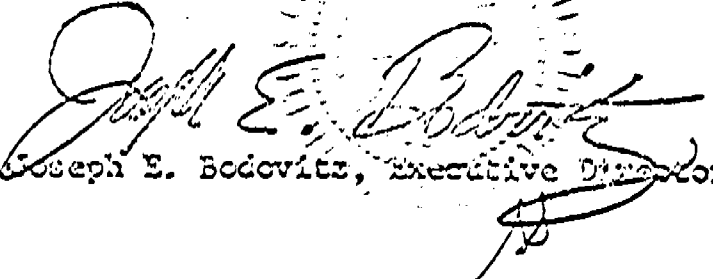
This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated SEP 22 1982, at San Francisco, California.

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

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

  
Joseph E. Bodovitz, Executive Director