

Decision 82 09 034 SEP 22 1982

ORIGINAL

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 crossing of the Intersection )  
of South 23rd Street and Marina )  
Boulevard across the Point Isabel )  
lead track of the Atchison, Topeka )  
and Santa Fe Railway Company in )  
the City of Richmond, Contra Costa )  
County. )

Application 82-03-55  
(Filed March 12, 1982)

O P I N I O N

As a part of the Richmond Port and Marina Development Project, the City of Richmond (City) requests authority to construct the intersection of South 23rd Street and Marina Boulevard at grade across The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) Point Isabel lead track 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 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. Marina Boulevard and South 23rd Street will provide access to various planned developments within the Richmond Marina area.

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.

Roadway improvements will be constructed in stages. The initial stage will provide for construction of the southerly two-lane half of Marina Boulevard and the westerly two-lane half of South 23rd Street. Approximately one year after completion of the initial stage, Marina Boulevard will be widened to its ultimate four-lane width. At some later date, it is anticipated that the Point Isabel lead track will be relocated to eliminate its crossings of Marina Boulevard and South 23rd Street in conjunction

with construction of the Hoffman Boulevard Freeway (SR 17). At that time, South 23rd Street will be widened to its ultimate four-lane width.

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.

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 the intersection of South 23rd Street and Marina Boulevard at grade across AT&SF's Point Isabel lead track in Richmond, Contra Costa County.

2. The proposed crossing is required to provide access to various residential, commercial and recreational facilities which are being developed within the Richmond marina area.

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

4. Present and near term future vehicular traffic requirements will be met by construction of a maximum four-lane crossing at Marina Boulevard and a two-lane crossing of South 23rd Street at grade across AT&SF's Point Isabel lead track.

5. Public safety requires that protection at the crossing be two Standard No. 8-A flashing light signals with cantilevers and one Standard No. 8 flashing light signal (General Order 75-C).

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.

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 Richmond (City) is authorized to construct the intersection of South 23rd Street and Marina Boulevard at grade across The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) Point Isabel lead track in Richmond, Contra Costa County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 2K-2.5-C.

2. This authorization is limited to construction of the initial two-lane (southerly half) and ultimate four-lane crossing of Marina Boulevard and to the initial two-lane (westerly half) crossing of South 23rd Street at grade across AT&SF's Point Isabel lead track.

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

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

5. Protection at the crossing shall be two Standard No. 8-A flashing light signals with cantilevers and one Standard No. 8 flashing light signal (General Order 75-C).

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

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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 AT&SF, together with a copy of the agreement entered into between 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.

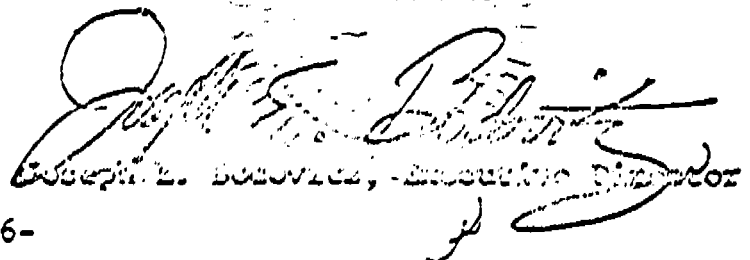
This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

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. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

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

  
Joseph L. Dolovick, Executive Director