

Decision No. 86927

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Oroville for an)	
Order authorizing reconstruction of the)	
crossing at separated grades between)	Application No. 56967
Huntoon Street and the tracks of the Western)	(Filed December 28, 1976)
Pacific Railroad Company, sometimes referred)	
to as the "Huntoon Street Underpass",)	
PUC No. 4-204.8-B)	

O P I N I O N

The City of Oroville requests authority to reconstruct the grade separation structure known as the "Huntoon Street Underpass" under the tracks of The Western Pacific Railroad Company's main line in the City of Oroville, Butte County.

The priority list of grade separation projects for the fiscal year 1976-77, as set forth in Decision 85991 (Case 10019), shows this project as Priority Number 18.

The City of Oroville is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the City of Oroville approved the project and on October 4, 1976 filed a Notice of Determination with the Butte County Clerk which found that "this project will not have a significant effect on the environment."

Notice of the application was published in the Commission's Daily Calendar on December 30, 1976. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration the Commission finds:

1. Applicant should be authorized to reconstruct the "Huntoon Street Underpass" under the tracks of The Western Pacific Railroad Company's main line in the City of Oroville, Butte County, at the location and substantially as shown by the plans attached to the application, identified as Crossing 4-204.8-B.
2. Clearances should be in accordance with General Order 26-D.

3. Walkway areas should conform to General Order 118. Walkway areas adjacent to any trackage subject to rail operations should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans of the crossing approved by The Western Pacific Railroad Company, should be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. The City of Oroville is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on October 1, 1976 approved its Negative Declaration which has been filed with the Commission. The Commission has considered the Negative Declaration and Notice of Determination in rendering its decision on this project, and finds that:

- a. The environmental impact of the proposed action is insignificant.
- b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- c. There are no known irreversible environmental changes involved in this project.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that 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 Oroville is authorized to reconstruct the "Huntoon Street Underpass" under the tracks of The Western Pacific Railroad Company's main line in the City of Oroville, Butte County, as set forth in the findings of this decision.

2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within three 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.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California,
this 1st day of FEBRUARY, 1977.

Robert Babine

President

William Sproule Jr.

Yves L. Stuyvenberg

F. Ross

Hubert C. Gwathmey

Commissioners