

Decision No. 91873 JUN 3 1980

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 the main line of the Northwestern Pacific Railroad, being Crossing No. 5-242.44, into a public crossing.

ORIGINAL

Application No. 59324
(Filed December 7, 1979)

O P I N I O N

As part of the project for acquisition of right-of-way at the Larabee Ranch grade crossing, the County of Humboldt requests authority to convert the existing private crossing of Larabee-Shively Road at grade across the Northwestern Pacific Railroad Company's tracks to a public crossing in Humboldt County.

The County of Humboldt is the lead agency for this project pursuant to the California Environmental Quality Act, ^(CEQA) of 1970, as amended, ^{SS} Public Resources Code, Section 21000, et seq.

The County of Humboldt alleges that this project is exempt from CEQA. On March 7, 1980, a Notice of Exemption was filed with the Humboldt County Clerk which stated that: "There is no possibility that the acquisition will have an 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 Notice of Exemption. The site of the proposed project has also been inspected by the Commission staff.

The crossing is located in an area of sparsely settled forest and ranch land. Acquisition of the right-of-way and conversion of the crossing to public status will permit improvement of the crossing to meet Commission safety standards.

Notice of the application was published in the Commission's Daily Calendar on December 11, 1979. 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 convert the existing private crossing of Larabee-Shively Road at grade across the Northwestern Pacific Railroad Company's tracks to a public crossing in Humboldt County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 5-242.4.

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

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

4. Protection at the crossing should be two Standard No. 8 flashing light signals (General Order 75-C).

5. Construction cost of the crossing and installation cost of the automatic protection should be borne by the applicant.

6. Maintenance of the crossing should be in accordance with General Order 72-B. Maintenance cost of the automatic protection should be borne by the applicant pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

7. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

8. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Notice of Exemption.

9. It can be seen with certainty that the activity in question cannot possibly have a significant effect on the environment.

C O N C L U S I O N

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

IT IS ORDERED that:

1. The County of Humboldt is authorized to convert the existing private crossing at grade of Larabee-Shively Road across the Northwestern Pacific Railroad Company's tracks to a public crossing in Humboldt 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 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.

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

Dated JUN 3 1980, at San Francisco, California.

John E. Byron

President

Thomas L. Struven

Michael W. Good

Samuel W. Jamieson

Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.