

SD

Decision No. 92011 JUL 2 1980

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)
a temporary detour for South 26th)
Street across the Point Isabel lead)
track of the Atchison, Topeka and)
Santa Fe Railway Company in the City)
of Richmond, Contra Costa County. }

ORIGINAL

Application No. 59510
(Filed March 11, 1980)

O P I N I O N

As part of the Richmond Port and Marina Development Project, the City of Richmond requests authority to construct a temporary detour for South 26th Street at grade across The Atchison, Topeka and Santa Fe Railway Company's lead track in the City of Richmond, Contra Costa County.

The City of Richmond is the lead agency for this project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code, Section 21000 et seq.

After preparation and review of an Environmental Impact Report, the City of Richmond approved the project. On June 12, 1975, a Notice of Determination was filed with the Contra Costa County Clerk and the Secretary for Resources 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 also been inspected by the Commission staff.

The proposed port and marina development 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 recreational uses. The South 26th Street detour is required to allow street and park construction for a portion of the marina while providing for local vehicular traffic. It is estimated that the detour will be in service from one to five years, depending on the rate of development of the marina facilities.

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.

Applicant advises that early construction of the detour crossing is necessary to facilitate completion of the public park area of the development project, thereby avoiding a possible delay in the use of boat berths and commercial facilities. It is, therefore, requested that the usual thirty-day waiting period be waived.

Notice of the application was published in the Commission's Daily Calendar on March 13, 1980. 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 construct a temporary detour for South 26th Street at grade across The Atchison, Topeka and Santa Fe Railway Company's lead track in the City of Richmond, Contra Costa County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing 2K-2.7-C.
2. Construction of the crossing should be equal or superior to Standard No. 3 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. For a period not to exceed one year from the date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (General Order 75-C).
6. Construction expense of the crossing and installation cost of the automatic protection and signs at the crossing should be borne by the applicant.
7. 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.

8. Construction plans of the crossing, approved by The Atchison, Topeka and Santa Fe Railway Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

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

10. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Final Environmental Impact Report.

11. This 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.

12. Early construction of the crossing is necessary to facilitate completion of the public park area of the development project; therefore, the usual thirty-day waiting period should be waived.

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:

O R D E R

IT IS ORDERED that:

1. The City of Richmond is authorized to construct a temporary detour for South 26th Street at grade across The Atchison, Topeka and Santa Fe Railway Company's lead track in the City of Richmond, Contra Costa 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.

8. Construction plans of the crossing, approved by The Atchison, Topeka and Santa Fe Railway Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

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

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A. 59510 SD

The effective date of this order is the date hereof.

Dated JUL 2 1980 , at San Francisco,
California.

John E. Bayon
President

William L. Stanger

Richard D. Howell

Robert T. Dwyer

Thomas J. Quinn
Commissioners