

ORIGINAL

Decision No. 93014 MAY 5 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Eureka to construct a City Street across the right of way of Northwestern Pacific Railroad Company at First Street 260' west of "C" on the east bound lane of Proposed Waterfront Drive (Formerly referred to as First Street Extension).

Application No. 60195
(Filed January 15, 1981)

O P I N I O N

As part of the project to extend First Street from "C" Street to Washington Street, the City of Eureka requests authority to construct Waterfront Drive at grade across Northwestern Pacific Railroad Company's tracks approximately 260 feet west of "C" Street in the City of Eureka, Humboldt County.

Applicant 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 Initial Study, the City of Eureka issued a Negative Declaration and approved the project. On September 5, 1980, a Notice of Determination was filed with the Humboldt County Clerk which states that: "This project has been found not to 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 Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The project will improve traffic circulation in the developing waterfront area of the City of Eureka. It is anticipated that the project will not only improve physical access to the area, but will also improve visual access to the waterfront and Humboldt Bay.

Notice of the application was published in the Commission's Daily Calendar on January 21, 1981. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority pursuant to Sections 1201-1205 of the Public Utilities Code to construct Waterfront Drive at grade across Northwestern Pacific Railroad Company's tracks approximately 260 feet west of "C" Street in the City of Eureka, Humboldt County.
2. The proposed construction of Waterfront Drive across Northwestern Pacific Railroad Company's tracks is required to provide access to the developing commercial and marina areas along the waterfront.
3. Public convenience and necessity require construction of the proposed railroad-highway crossing.
4. Public safety requires that protection at the crossing be one Standard No. 9 automatic gate-type signal (General Order 75-C).
5. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.
6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.
7. This project will have no significant impact on the environment.

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 Eureka is authorized to construct Waterfront Drive at grade across Northwestern Pacific Railroad Company's tracks approximately 260 feet west of "C" Street in the City of Eureka, Humboldt County, to be identified as Crossing No. 5CA-284.19.

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 one Standard No. 9 automatic gate-type signal (General Order 75-C).

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

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

7. Construction plans of the crossing, approved by Northwestern Pacific Railroad Company, together with a copy of the agreement entered into between the parties involved, shall be submitted to the Commission prior to commencing construction.

8. 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 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 MAY 5 1981

at San Francisco, California.

John E. Bryan
President

Richard W. [unclear]

Samuel [unclear]

Victor [unclear]

Frank C. [unclear]
Commissioners