

Decision 84 03 108

MAR 21 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of application of
The City of Carlsbad to construct
a grade separation over the Right
of Way of The Atchison, Topeka
Santa Fe Railway at Poinsettia
Lane in the City of Carlsbad

Application 84-01-16
(Filed January 6, 1984)

O P I N I O N

The City of Carlsbad (City) requests authority to construct Poinsettia Lane at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line in Carlsbad, San Diego County.

The project site is located between Interstate Route 5 and the Pacific Coast Highway. The Poinsettia Lane overcrossing will improve traffic circulation, reduce emergency response time and complete the connection between Interstate Route 5 and the Carlsbad Beach Area along the Pacific Coast Highway.

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 (EIR), City approved the project. On July 25, 1983, a Notice of Determination was filed with the San Diego County Clerk which found that "the project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's EIR. The site of the proposed project has been inspected by the Commission staff.

Notice of the application was published in the Commission's Daily Calendar on January 12, 1984. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct Poinsettia Lane at separated grades over the tracks of AT&SF main line in Carlsbad, San Diego County.

2. Construction of the Poinsettia Lane overcrossing is required to improve traffic circulation by completing the link between Interstate Route 5 and the Pacific Coast Highway.

3. Public convenience, necessity and safety require construction of the proposed overcrossing.

4. City is the lead agency for this project under CEQA, as amended.

5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR.

6. The project will not have a 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 Carlsbad (City) is authorized to construct Poinsettia Lane at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line in Carlsbad, San Diego County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 2-233.4-A.

2. Clearances shall be in accordance with General Order (G.O.) 26-D; walkways shall conform to G.O. 118.

3. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into among the parties. A copy of the agreement, together with plans of the crossing approved by AT&SF, shall 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.

4. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work is completed.

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

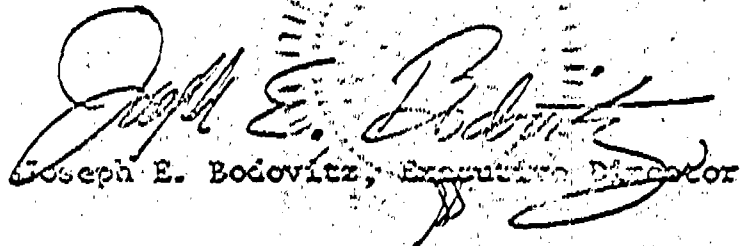
This order becomes effective 30 days from today.

Dated MAR 21 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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

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Joseph E. Bodovitz, Executive Director