

ORIGINAL

Decision 89-05-010 MAY 10, 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the City of Oceanside to construct)
a City Street across the Right of) Application 88-05-034
Way of The Atchison, Topeka and) (Filed May 17, 1988)
Santa Fe Railway Company at State) (Amended December 27, 1988)
Tree Drive (formerly St. Malo)
Crossing) in the City of Oceanside)

O P I N I O N

As part of a project to convert a private road to a public street, the City of Oceanside (City) requests authority to construct State Tree Drive at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) Escondido Branch Line in Oceanside, San Diego County.

The project is located in an industrial and commercial area just east of Interstate Highway 5. The street extension project will provide additional access, improve circulation patterns and increase convenience for existing and projected development in the Downs Street area of Oceanside.

City is the lead agency for this project under 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, City issued a Negative Declaration and approved the project. On November 30, 1988, a Notice of Determination was filed with the San Diego County Clerk which found that the project was categorically exempt under Section 15301 (c) and (f) of CEQA.

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's statement of categorically exempt status.

The site of the proposed project has been inspected by the Safety Division's Traffic Engineering staff.

City has met the filing requirements of the Commission's Rules of Practice and Procedure including Rule 38, which relates to the construction of public highways across a railroad. Detailed drawings of the crossing protection and street geometrics are attached to Appendix "A" of this order.

To improve the riding quality and durability of the crossing, City requests an exemption from General Order (GO) 72-B to permit the installation of a rubber grade crossing surface, which crossing surface is not included within the standards of GO 72-B. Since there appears to be ample justification for the installation of a rubber crossing surface in this instance, an exemption from GO 72-B to permit the installation will be granted.

Notice of the application and amendment were published in the Commission's Daily Calendar on May 20, 1988 and January 13, 1989. By protest filed June 17, 1988, AT&SF objected to the design of the crossing. After review of the amendment AT&SF withdrew its protest on February 9, 1989. There are no other unresolved matters, a public hearing is not necessary.

The Commission had previously granted authority to construct State Tree Drive by Decision 82-01-28, dated January 5, 1982 in Application 59481. That authority has expired.

Findings of Fact

1. City requests authority under Public Utilities Code Sections 1201-1205 to construct State Tree Drive at grade across AT&SF's tracks in Oceanside, San Diego County.
2. The proposed crossing is required to provide additional access, improve traffic circulation, and increase convenience for existing and projected development in the Downs Street area of Oceanside.
3. Public convenience and necessity require construction of the proposed railroad-highway crossing.

4. Public safety requires that protection at the crossing be two Standard No. 9 automatic gate-type signals (GO 75-C).

5. The public and the railroad will benefit from installation of a rubber crossing surface at the proposed AT&SF crossing.

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

7. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

8. The project will have no significant impact on the environment.

Conclusions of Law

1. The application should be granted as set forth in the following order.

2. An exemption from GO 72-B should be granted to permit the installation of a rubber grade crossing surface of the crossing.

O R D E R

IT IS ORDERED that:

1. The City of Oceanside (City) is authorized to construct State Tree Drive at grade across The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) Escondido Branch Line in Oceanside, San Diego County, at the location and substantially as shown on the plans attached to the application and Appendix "A" of this order, to be identified as Crossing 2E-1.2.

2. City is granted an exemption from GO 72-B to permit the installation of a rubber grade crossing surface at the crossing.

3. Construction of the crossing shall be in accordance with the provisions of GO 72-B except that rubber grade crossing surface shall be installed at the AT&SF crossing.

4. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.

5. Protection at the crossing shall be two Standard No. 9 automatic gate-type signals (GO 75-C).

6. Construction expense of the crossing and installation cost of the automatic protection shall be borne by City.

7. Maintenance cost of the automatic protection shall be borne by City under PU Code Section 1202.2.

8. Construction plans of the crossing, approved by AT&SF, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

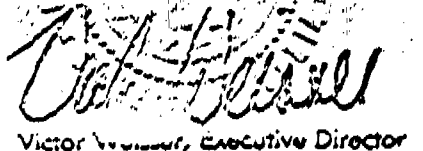
9. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work has been done.

10. This authorization shall expire if not exercised within two 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.

11. The application is granted as set forth above.
This order becomes effective 30 days from today.
Dated MAY 10 1989 at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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



Victor Williams, Executive Director

THE NEXT

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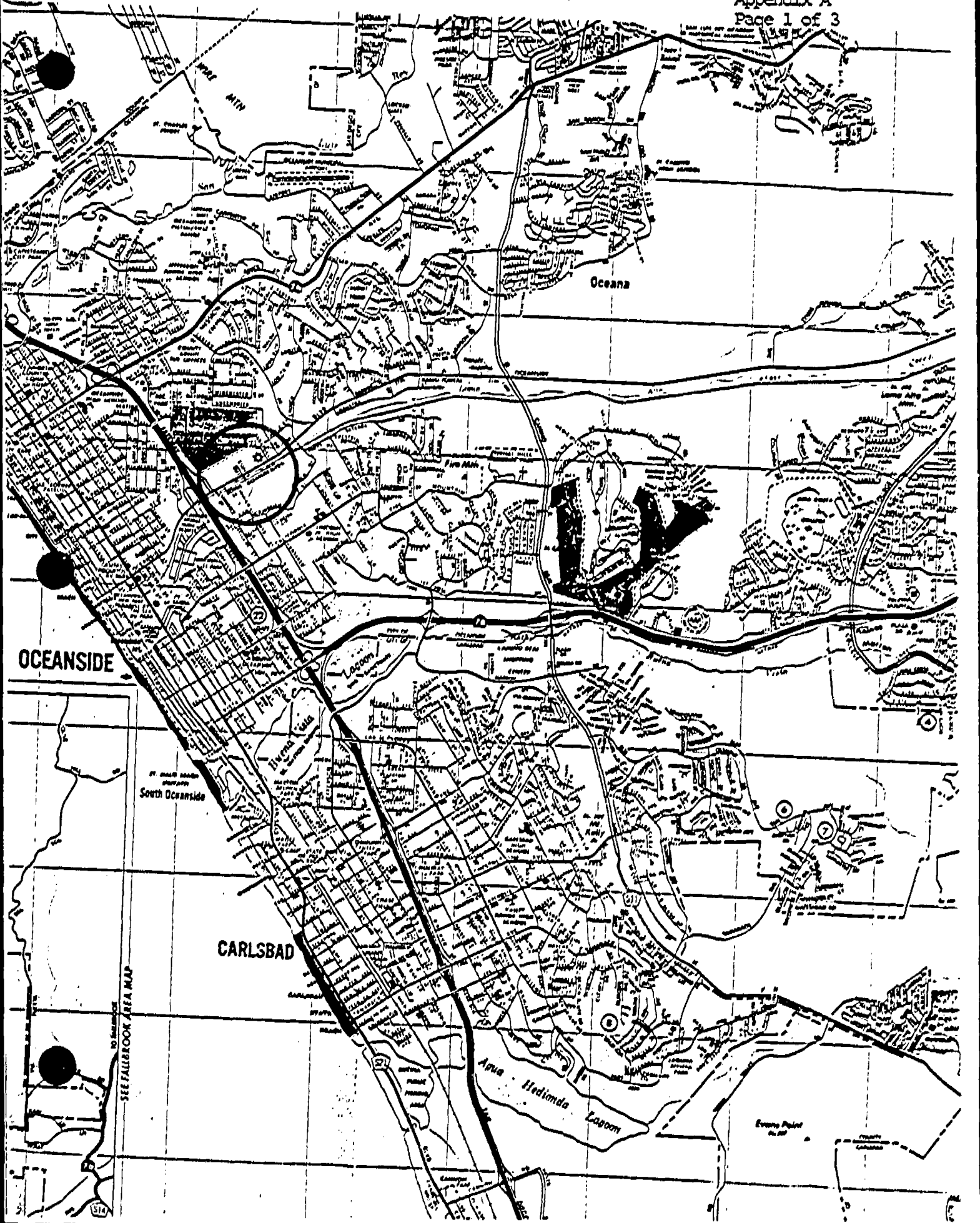
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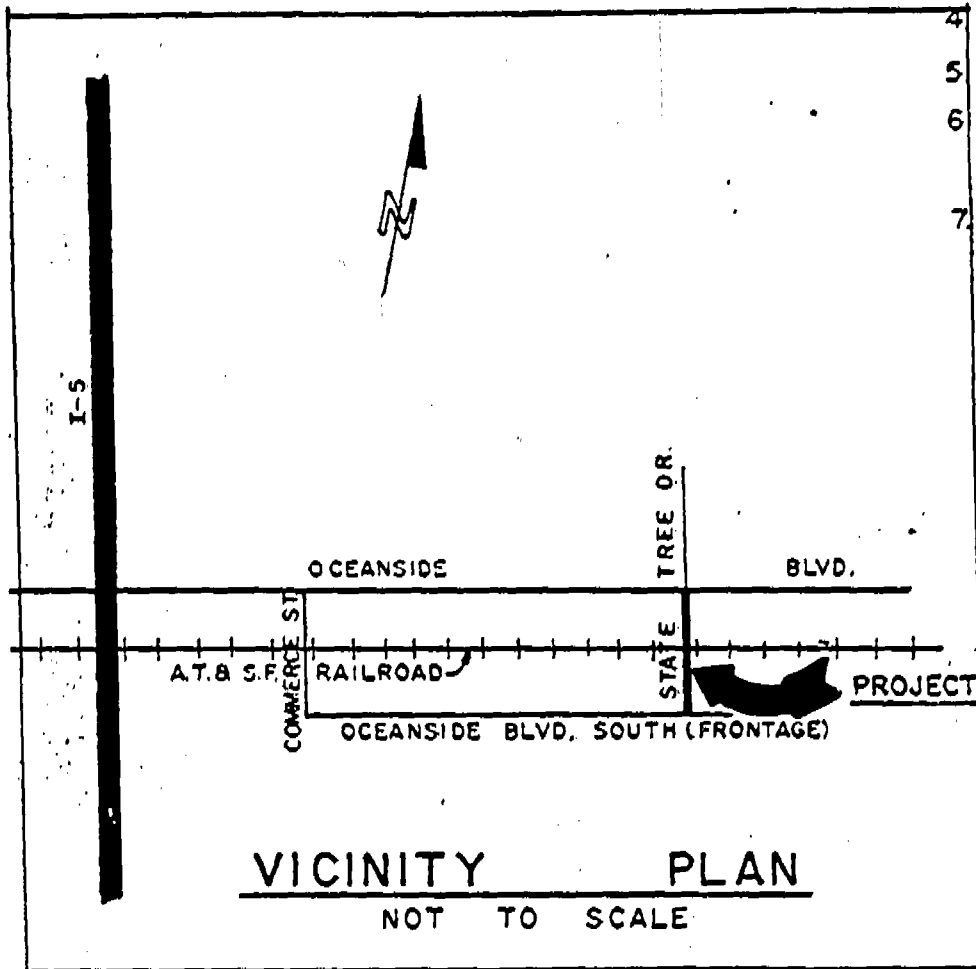
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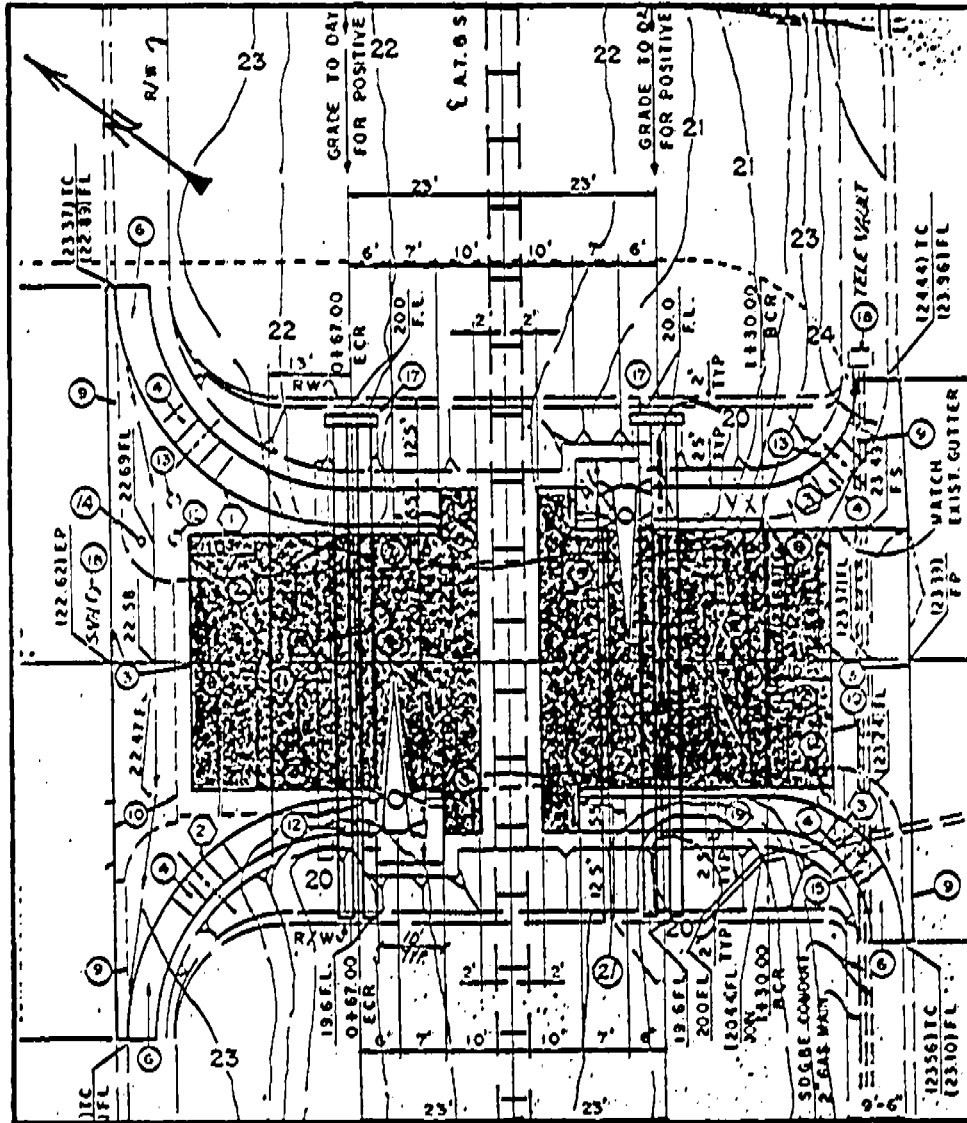
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SEE FALLBROOK AREA MAP

10 MILES





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