

ORIGINAL

Decision 82 01 28 JAN 5 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of The City of Oceanside to cons- )  
truct a City Street across the )  
Right of Way of the Atchison, )  
Topeka and Santa Fe Railroad (sic) )  
Company at State Tree Drive (For- )  
merly St. Malo Crossing) in the )  
City of Oceanside. )

Application 59481  
(Filed February 28, 1980;  
amended September 30, 1981)

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 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.

Applicant 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 Initial Study, applicant issued a Negative Declaration and approved the project. On June 22, 1981, 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 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 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.

Notice of the application and amendment were published in the Commission's Daily Calendar on February 29, 1980 and October 1, 1981. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority under Public Utilities (PU) 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 (General Order 75-C).

5. Applicant is the lead agency for this project under CEQA, 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. The 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 Oceanside is authorized 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, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 2E-1.2.

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 two Standard No. 9 automatic gate-type signals (General Order 75-C).

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

6. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by applicant under PU Code Section 1202.2.

7. 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.

8. Within 30 days after completion, under this order, applicant shall 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.

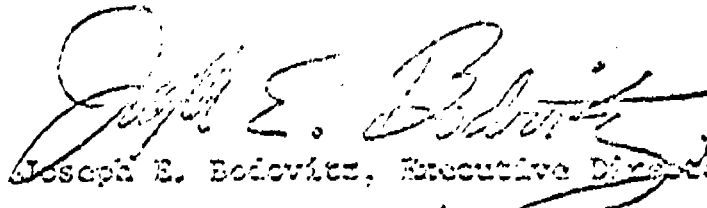
This order becomes effective 30 days from today.

Dated JAN 5 1962, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. CRAVELLE  
VICTOR CALVO  
PRISCILLA C. CREW  
Commissioners

Commissioner Leonard M. Grimes, Jr.,  
being necessarily absent, did not  
participate.

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

  
Joseph E. Bodovitz, Executive Director  
