

ORIGINAL

Decision No. 87950 OCT 4 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Vista)
for authorization to construct a)
public street across the tracks)
of the Atchison, Topeka and)
Santa Fe Railway Company.)

Application No. 56377
(Filed April 1, 1976)

O P I N I O N

The city of Vista (Vista) requests authorization from this Commission to construct Melrose Drive at grade across the Atchison, Topeka and Santa Fe Railway Company's (ATSF) Escondido branch. Vista proposes to install two standard No. 9 automatic gate signals at the crossing. The county of San Diego was authorized to construct a grade crossing of Melrose Avenue at the same location, identified as Crossing No. 2E-7.5, pursuant to Decision No. 58864 dated August 11, 1959 in Application No. 40878. That authorization was limited to one year and was not exercised.

Vista contends that the public will be served by a prime-arterial 100-foot wide north-south roadway; that only two low speed freight train movements per day will traverse the crossing six days a week; that there is adequate approach visibility and a separated crossing is not practicable; that Vista was agreeable to installation of the type of crossing protection recommended by the ATSF; that the average daily traffic (ADT) on Melrose Drive is 3284; and that this volume is expected to increase dramatically when the street is fully improved. Vista requested an ex parte order.

The application contains a Notice of Determination^{1/} for the "Oceanside Boulevard/Bobier Drive--Melrose Drive Extension"

^{1/} The final EIR for the initially defined project is incorporated herein as Reference Item A.

pursuant to the California Environmental Quality Act of 1970 (CEQA), which describes the project as follows:

"The City of Oceanside, in conjunction with the City of Vista and the County of San Diego, plans to extend Oceanside Boulevard east from College Boulevard. The proposed west-east, four lane divided arterial would run slightly north of the A.T. & S.F. Railroad to connect with Bobier Drive in Vista. Additionally, the north-south arterial Melrose Drive in Vista would be extended north to connect with Oceanside Boulevard west of Bobier Drive, providing access to Freeway 78."

The initial overall project was designed to construct several arterial roads and to construct utility lines across former agricultural lands to permit the development of residential, commercial, and industrial tracts within a large portion of the inland region of the city of Oceanside (Oceanside) and to assist in the economic development of Vista.

The EIR states in part: "...especially dangerous areas, such as the intersections with College Boulevard and Melrose Drive, should be anticipated. Such areas should have the appropriate visual warnings and traffic regulating devices installed prior to the roads' use. . . ."

The project was described to have a significant effect on the environment.

By letter dated June 14, 1976 (Reference Item B) ATSF states in part:

"We have examined the City's proposed crossing and feel that a four-lane, divided, at-grade crossing at this location would not be in the best interest of the public. We feel that the anticipated vehicular flow would best be served by a separation of grades, which we would not oppose, and that such a solution would be in accordance with current Federal Highway Safety Directives, which encourage reduction of existing grade crossings either by closure or separation of grade and, discourages construction of new at-grade crossings whenever possible."

In view of the protest, the application was set for hearing. The application was taken off calendar at Vista's request. By letter dated November 8, 1976, (Reference Item C) ATSF stated that a public hearing was not necessary for its benefit and it was agreeable to ex parte handling. ATSF also states:

"However, the Santa Fe would like to make it known to the Commission that, as a matter of policy, we strongly oppose new grade crossings. Therefore, we request that the following statement of policy be made a part of the record in this proceeding:

"The Santa Fe Railway, for reasons of safety, does not look with favor upon the establishment of new at grade highway crossings of its tracks. Grade crossings take an annual toll of some 1000 lives in the United States. These accidents do not always happen at high speed main lines and occasionally involve gated crossings.

"On this basis, Santa Fe feels it has little choice but to oppose new at grade crossings and instead work actively toward either the improvement or abolishment of existing at grade crossings.

"The Railway encourages construction of grade separations where a demonstrable need for access exists. These separations completely eliminate the possibility of train-vehicle accidents. Rear end collisions between vehicles are non-existent. As a result of recent Congressional investigation of grade crossing accidents, this body advocated the construction of grade separations wherever feasible.

"Where public need for a grade crossing exists because a grade separation is not feasible, Santa Fe suggests that consideration be given to closing an existing crossing in a 'trade-off' for the new crossing. Consolidation of an existing crossing with the proposed crossing should also be explored."

By letter dated March 3, 1977 (Reference Item D), Vista states that when the EIR was prepared Oceanside was planning to act as lead agency for the construction of the portion of the project within Oceanside, within unincorporated territory, and within Vista; that the project was dependent upon an EDA grant for

a considerable portion of the construction costs; that the grant offer contained a provision which was unacceptable to Oceanside; that Oceanside opted to become the lead agency for only the portion of the project within its limits; that Vista is the lead agency for the remaining construction in unincorporated areas and within its boundaries, which includes the subject grade crossing; that it estimates the cost of the at-grade crossing, which includes at-grade protection devices and the special paving treatment needed near the tracks at \$91,000; and that it estimates the cost of a grade separation structure, in lieu of the proposed grade crossing, would be in the neighborhood of \$2,400,000 exclusive of engineering and incidentals, based upon four travel lanes and relatively narrow pedestrian walkways.

ATSF's policy decision enunciated its general opposition to crossings at grade but did not offer any suggestion as to which existing crossing in the vicinity could be closed or which existing crossing could be consolidated with the proposed crossing. The failure of ATSF to mention a specific crossing for closing or for consolidation as a trade-off infers that no nearby crossing can reasonably be closed or consolidated with the proposed crossing.

ATSF's Time Table No. 5, in effect Tuesday, February 15, 1977, (Reference Item E) indicates that the proposed crossing would be in a train speed transition zone. The maximum train speed would be between 15 and 20 miles per hour.

The supplemental EIR information and Negative Declaration prepared by Vista (Reference Item G) describes the environmental impacts of the new arterial road extension, including the growth inducing impacts. The revised projection includes a 1995 ADT estimate of 19,416 for Melrose Drive south of Bobier Drive, which would apply to the crossing. Melrose Drive is expected to be a major road with four lanes and a median strip with estimated road speeds between 35 and 45 mph. The initial construction of the Melrose Drive extension will contain two 20-foot wide lanes. Vista, the

lead agency, has approved the project if certain mitigating measures are carried out. These impacts and mitigating measures (e.g. putting in oxygen producing plantings in the right-of-way and inclusion of a scenic bicycle trail defined in Vista's general plan as separated right-of-way) are not specifically related to Crossing No. 2E-7.5. The proposed grade crossing is a portion of the project.

Discussion

We have considered the environmental data and Vista's approval of the project in evaluating Vista's request to construct an at-grade crossing. The traffic disruption and hazards posed by the at-grade crossing must be weighed against the cost of a grade separation. By memorandum dated May 6, 1977 (Reference Item H) the staff concurs with Vista's assessment that two low speed freight movements per day would place the construction of a grade separation structure at this location far down on the priorities list. There is a public need for the overall project. The at-grade crossing should be authorized. In addition to the standard No. 9 automatic gate signals at the crossing appropriate visual warnings should be installed before the crossing. The roadway gates can be constructed long enough to protect pedestrian or bicycle traffic in the 100-foot right-of-way. If the gates do not protect the bicycle lane or pedestrian walkways separate standard No. 10 pedestrian crossing protection as shown in our General Order No. 75-C should be provided.

Findings

1. Vista requests authorization to construct a crossing at grade identified as Crossing No. 2E-7.5, of ATSF's Escondido district freight line.
2. The proposed roadway, a portion of an extension of Melrose Drive in Vista, would be a four lane divided prime-arterial 100-foot wide north-south street. Melrose Drive would be connected to the proposed Bobier Drive.

3. ATSF presently runs two freight movements per day over the proposed crossing six days a week, at low train speeds. The maximum allowable train speed in the vicinity of the crossing is between 15 and 20 miles per hour. A grade separation at this location would be low on the priority list.

4. The vehicular traffic on Melrose Drive is 3284 ADT. The traffic volume is expected to increase to 19,416 vehicles per day by 1995. Vehicle speeds of 35-45 mph will be permitted on Melrose Drive. The initial extension of Melrose Drive will include two 20-foot lanes.

5. The proposed crossing is a portion of a larger project involving the extension of Melrose Drive. Vista is the lead agency as defined in the CEQA of 1970. Vista has given its approval to the project if certain mitigating measures are carried out. These impacts and mitigating measures are not specifically related to Crossing Nb. 2E-7.5.

6. The cost of the at-grade crossing is approximately \$91,000 including two standard No. 9 automatic gate signals and special paving treatment needed near the tracks. Vista contends that it would not be practicable to construct a grade separation at this location, at an estimated cost of \$2,400,000, exclusive of engineering and incidental costs.

7. ATSF objects to any new crossing at grade unless another nearby crossing is closed or two or more crossings are consolidated. ATSF has not suggested any alternate crossing which could be closed or consolidated in connection with the proposed crossing of its tracks at Melrose Drive.

8. There is public need for construction of Melrose Drive. The necessary funds for a grade separation project will not be available on a timely basis.

9. The crossing at grade should be authorized provided that the crossing is protected by two standard No. 9 automatic gate signals in compliance with General Order No. 75-C. In addition appropriate advanced visual warnings should be installed before the crossing. If the gates do not protect the bicycle lane or pedestrian walkways separate standard No. 10 crossing protection as shown in our General Order No. 75-C should be provided.

10. Vista is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on August 1, 1977 approved its Negative Declaration which has been filed with the Commission. The Commission has considered the Negative Declaration and Notice of Determination in rendering its decision on this project and finds that:

- a. The environmental impact of the proposed action is insignificant.
- b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- c. There are no known irreversible environmental changes involved in this project.

Conclusion

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 Vista (Vista) is authorized to construct a crossing at grade of the extension of Melrose Drive over the Atchison, Topeka and Santa Fe Railway Company, Escondido district tracks, at Crossing No. 2E-7.5, located in Vista, San Diego County, as set forth in Finding 9 herein.

2. Within thirty days after completion, pursuant to this order, Vista shall so advise the Commission in writing.

3. Construction expense of the crossing and installation cost of the automatic protection shall be borne by Vista.

4. Maintenance of the crossing shall be in accordance with General Order No. 72-B. Maintenance cost of the automatic protection shall be borne by Vista pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

5. This authorization shall expire if not exercised within three years unless time be extended. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 4th day of OCTOBER, 1977.

Robert Behring
President

Vernon L. Sturgeon
Richard W. Goad

Commissioners

Commissioner William Symens, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.