

T/SD

Decision No. 92214 SEP 3 - 1980

ORIGINAL

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-way of the Atchison, Topeka and Santa Fe Railway Company at Rancho Del Oro Drive in the southeast Oceanside area.

Application No. 59673
(Filed May 19, 1980)

O P I N I O N

As part of the project for development of Del Oro Hills and Del Oro Estates, the City of Oceanside requests authority to construct Rancho del Oro Drive at grade across the tracks of the Atchison, Topeka and Santa Fe Railway Company's Escondido Branch Line in the City of Oceanside, San Diego County.

The City of Oceanside 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 Environmental Impact Report, the City of Oceanside approved the project. On November 13, 1979, 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 Final Environmental Impact Report. The site of the proposed project has been inspected by the Commission staff.

The development of Del Oro Hills and Del Oro Estates encompasses 300 acres in the south central portion of Oceanside between the Henie Hills and Mira Costa College neighborhoods.

The project will consist of residential and open space uses on the majority of the 300 acres plus a small industrial lot adjacent to The Atchison, Topeka and Santa Fe Railway Company's tracks. In all, 53 percent of the property will remain in its natural condition and be zoned for perpetual open space use.

Notice of application was published in the Commission's Daily Calendar on May 21, 1980. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant should be authorized to construct Rancho del Oro Drive at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company's Escondido Branch Line in the City of Oceanside, San Diego County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 2E-4.2.

2. Construction of the crossing should be equal or superior to Standard No. 2 of General Order 72-B.

3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.

4. Protection at the crossing should be two Standard No. 9-A automatic gate-type signals with cantilevers (General Order 75-C).

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

6. Maintenance of the crossing should conform to General Order 72-B. Maintenance cost of the automatic protection should 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 The Atchison, Topeka and Santa Fe Railway Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

8. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

9. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Final Environmental Impact Report.

10. This project will have no significant impact on the environment.

Conclusion of Law

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 Oceanside is authorized to construct Rancho del Oro Drive at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company's Escondido Branch Line in the City of Oceanside, San Diego County, as set forth in the findings of this decision.

2. 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 the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

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

Dated SEP 3 - 1980, at San Francisco, California.

John E. Bryan
President
Vernon L. Stevenson
Richard D. Howell
Clair T. Adair
Samuel J. Smith
Commissioners