

Decision No. 92437 NOV 18 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 Temple Heights  
 Drive in the East Oceanside Area.

Application No. 59769  
 (Filed June 26, 1980)

O P I N I O N

As part of the project for development of the Ocean Vista Business Park, the City of Oceanside requests authority to construct Temple Heights 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 February 15, 1980, 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 project site is located at the east central edge of the City of Oceanside. The property is bounded on the north by industrial land, on the east by the City of Vista, on the south by a residential development, and on the northwest by the railroad's right-of-way. The project site is currently vacant, although truck crops have been grown in the past on a portion of the property. Primary access to the project site will be via Temple Heights Drive across the proposed crossing of the railroad's tracks.

Notice of application was published in the Commission's Daily Calendar of June 30, 1980. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant should be authorized to construct Temple Heights 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-6.9.
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. For a period not to exceed one year from the date of this order, protection at the crossing may be two Standard No. 1-R crossing signs (General Order 75-C) and two stop signs. The crossing signs should be lettered both sides on reflectorized white background.
6. Construction expense of the crossing and installation cost of the automatic protection should be borne by the applicant.
7. 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.
8. 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.
9. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

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

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

Conclusion of Law

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 Temple Heights 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.

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

Dated NOV 12 1980, at San Francisco,  
California.

John G. Boyer  
President

Henry L. Steiner

Richard D. Howell

Clair T. Pedrick

Samuel W. Davis  
Commissioners