

Decision No. 92586 JAN 6 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The City of Oxnard
to construct a City Street across
the Right of Way of the Ventura
County Railway Company along Wooley
Road at Novato Drive within the City
of Oxnard, County of Ventura, State
of California.

Application No. 59588
(Filed April 14, 1980)

O P I N I O N

The City of Oxnard requests authority to construct Novato Drive at grade across the tracks of the Ventura County Railway Company's Patterson Branch Line in the City of Oxnard, Ventura County.

The City of Oxnard 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 Initial Study, the City of Oxnard issued a Negative Declaration and approved the project. On June 3, 1980, a Notice of Determination was filed with the Ventura 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 construction of Novato Drive across the Ventura County Railway's tracks will provide additional access, improve traffic circulation, and increase convenience to existing and projected developments in the area. The area to the south of the project site has been developed for residential use and it is anticipated that the presently open area to the north will soon be developed for residential use.

Notice of the Application was published in the Commission's Daily Calendar on April 15, 1980. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant should be authorized to construct Novato Drive at grade across the tracks of the Ventura County Railway Company's Patterson Branch Line in the City of Oxnard, Ventura County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing 45C-2.04.

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) supplemented by two Standard No. 8 flashing light signals to provide protection to drivers making left turns from Wooley Road to Novato Drive.

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

6. Maintenance of the crossing should be in accordance with General Order 72-B. Maintenance cost of the automatic protection should be borne by applicant pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

7. Construction plans of the crossing, approved by the Ventura County 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 Initial Study and Negative Declaration.

10. 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 Oxnard is authorized to construct Novato Drive at grade across the tracks of the Ventura County Railway Company's Patterson Branch Line in the City of Oxnard, Ventura County, as set forth in the findings of this decision.

2. Within thirty days after completion, pursuant to this order, applicant shall so ^{advise} ~~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 JAN 6 1981, at
San Francisco, California.

John E. Byron
President
Richard D. Hoyle
Lawrence J. Smith

Commissioners