

Decision 98-09-034 September 3, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of the City)
of Escondido to construct Escondido Creek)
Channel path, a Class I public bikeway,)
across the railroad track, at-grade, of the)
North County Transit District in the City)
of Escondido, County of San Diego.)

ORIGINAL

Application 98-02-015
(Filed February 10, 1998)

OPINION

City of Escondido (City) requests authority to construct the Escondido Creek Channel Path, a public bicycle path, across the tracks of the North San Diego County Transit Development Board (NSDCTDB) Escondido Branch Line, in the City of Escondido, San Diego County.

The proposed at-grade crossing is needed to provide improved public access to the bicycle path from residential and commercial areas to the west and east, as well as to the North County Transit Station located easterly of the railroad track. Additionally, the at-grade crossing will provide reduced response time for fire, police, and maintenance vehicles.

City has constructed Phase I of the bicycle path (between Harmony Grove Road to Quince Street). The at-grade crossing is currently an unimproved gap in the Phase I area of the bicycle path.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code 21000, et. seq. After preparation and review of an Initial Study, City approved the project. On August 6, 1993, a Notice of Determination was filed with the San Diego County

Clerk which found that "The project will not have an adverse effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Initial Study and Notice of Determination. The site of the proposed at-grade crossing has been inspected in the field and the proposed plans have been reviewed by the Commission's Rail Safety And Carriers Division, Traffic Engineering staff.

The application was found to be in compliance with the Commission's filing requirements including Rule 38 of the Rules of Practice and Procedure which relates to the construction of public highways across railroad tracks. Detailed drawings of the proposed construction are included as appendices to this order.

In Resolution ALJ 176-2987 dated February 23, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety And Carriers Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-2987.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on February 13, 1998. No protests have been filed. A public hearing is not necessary.
2. City requests authority under Public Utilities Code Sections 1201 - 1205 to construct the Escondido Creek Channel Path, a public bicycle path, across

the tracks of the North San Diego County Transit Development Board (NSDCTDB) Escondido Branch Line, in Escondido, San Diego County.

3. Public convenience and necessity require construction of the proposed Escondido Creek Channel Bicycle Path.

4. Public safety requires that the new proposed Escondido Creek Channel Bicycle Path crossing be protected by two Standard No. 10 pedestrian and bicycle flashing light type signals (General Order 75-C).

5. City is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Notice of Determination.

7. The Commission staff recommends that the application be granted.

Conclusion of Law

The application should be granted as set forth in the following order.

ORDER

IT IS ORDERED that:

1. City of Escondido (City) is authorized to construct the Escondido Creek Channel Path, a public bicycle path, across the tracks of the North San Diego County Transit Development Board (NSDCTDB) Escondido Branch Line, identified as Crossing No. 106E-20.78-D, in Escondido, San Diego County, at the location and substantially as shown by plans attached to the application and this order.

2. Walkways shall conform to General Order (GO) 118 and clearances shall be in accordance with GO 26-D.

3. Construction of the at-grade crossing shall be equal or superior to Standard No. 6 rubber panels of GO 72-B. Maintenance of the crossing shall conform to GO 72-B.

4. Construction expense of the crossing and installation cost of the automatic protection shall be borne by City.

5. Maintenance cost of the automatic protection shall be borne by the City in accordance with section 1202.2 of the Public Utilities Code.

6. Final construction plans, approved by City and NSDCTDB, shall be filed by City with RSAC prior to commencing construction.

7. Within 30 days after completion of the work under this order, City shall notify the Commission's Rail Safety And Carriers Division in writing that the authorized work has been completed.

8. This authorization shall expire if not exercised within two (2) years, unless time is extended, or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. The application is granted as set forth above.
10. Application 98-02-015 is closed.

This order becomes effective thirty (30) days from today.

Dated September 3, 1998, at San Francisco, California.

RICHARD A. BILAS

President

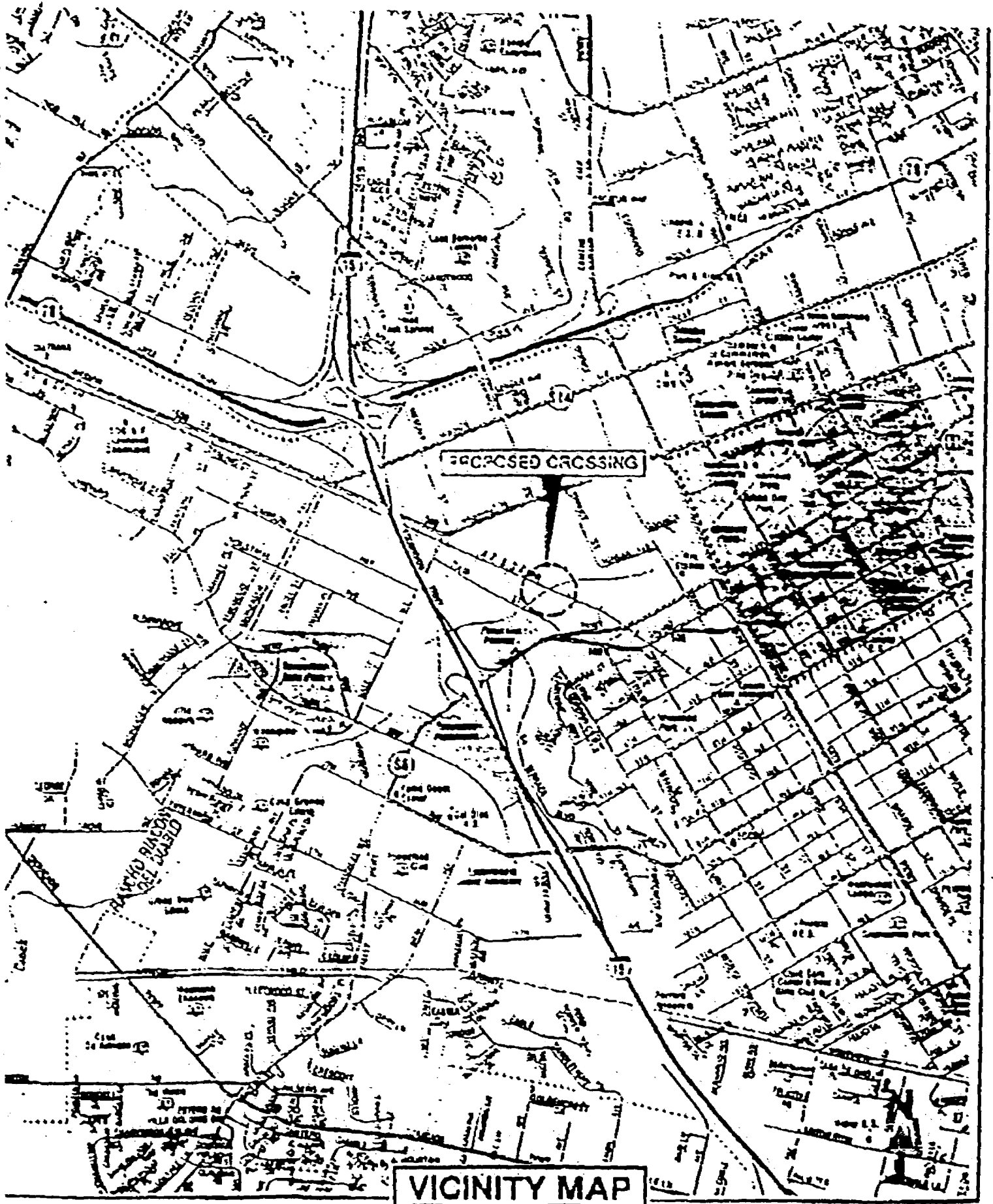
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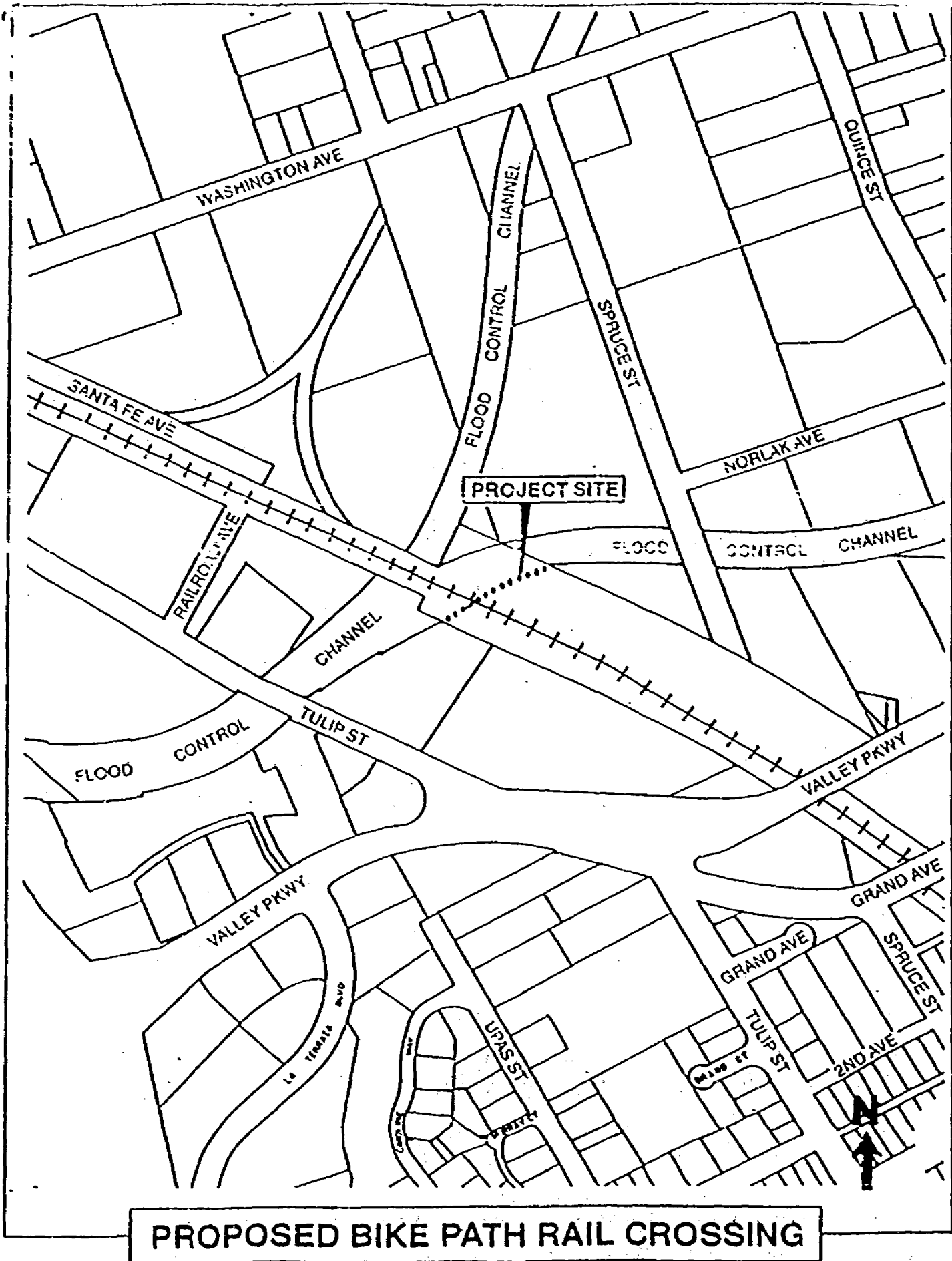
JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners





PROPOSED BIKE PATH RAIL CROSSING

