Decision 00-03-013 March 02, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the City of Oceanside for an order authorizing construction of a bicycle/pedestrian undercrossing below two existing freight/ commuter tracks in the City of Oceanside, California.	)	Application 99-09-018 (Filed September 7, 1999)

OPINION

City of Oceanside (City) requests authority to construct a bicycle/pedestrian undercrossing of Pier View Way at separated grades under two existing freight/commuter main line tracks of the San Diego Northern Railway (SDNR), owned and operated by the North County Transit District (NCTD), in Oceanside, San Diego County.

The proposed Pier View Way bicycle/pedestrian undercrossing, will be located along Pier View Way right-of-way where it crosses the SDNR's right-of-way approximately 200 feet west of Cleveland Street and 200 feet east of Myers Street.

The proposed bicycle/pedestrian undercrossing will be approximately 38 feet in length and 32 feet in width. Vertical clearances beneath the bridge structure will be 8 feet for the pedestrian path and 9 feet for the bike path.

The proposed bicycle/pedestrian undercrossing will also provide direct access from downtown Oceanside to the City's municipal pier, beaches, and beach front business and recreational areas.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources

(PR) Code Sections 21000, et seq. After preparation and review of an Initial Study, City issued a Negative Declaration, and approved the project on February 12, 1999. On April 8, 1999, 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 Negative Declaration. The site of the proposed grade separation crossing has been inspected in the field and the proposed plans have been reviewed by the Commission's Rail Safety And Carriers Division (RSAC), Rail Crossings Engineering staff.

The application is 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 176-3023 dated September 16, 1999, 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 176-3023.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU Code Section 311 (g) (2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Notice of the Application was published in the Commission's Daily Calendar on September 14, 1999. No protests have been received. A public hearing is not necessary.

2. City requests authority under Public Utilities Code Sections 201-1205 to construct a bicycle/pedestrian undercrossing of Pier View Way at separated grades under the tracks of the SDNR's main line in Oceanside, San Diego County.

3. The construction of Pier View Way grade separation is required to provide direct access from downtown Oceanside to the City's municipal pier, beaches, and recreational areas.

4. Public convenience, necessity, and safety require construction of the proposed bicycle/pedestrian undercrossing.

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 Negative Declaration.

Conclusion of Law:

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

ORDER

IT IS ORDERED that:

1. City of Oceanside (City) is authorized to construct a bicycle/pedestrian undercrossing of Pier View Way at separated grades under two existing freight/commuter main line tracks of the San Diego Northern Railway (SDNR), owned and operated by North County Transit District (NCTD), to be identified as Crossing No. 106-226.10-BD, in Oceanside, 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 and maintenance costs shall be borne in accordance with an agreement to be entered into between parties. A copy of the agreement shall be filed with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should parties fail to agree, the Commission will apportion the costs of the construction and maintenance by further order.

4. City shall file final construction plans, approved by NCTD, with the Rail Safety and Carriers Division prior to commencing construction.

5. 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.

6. This authorization shall expire if not exercised within three (3) 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.

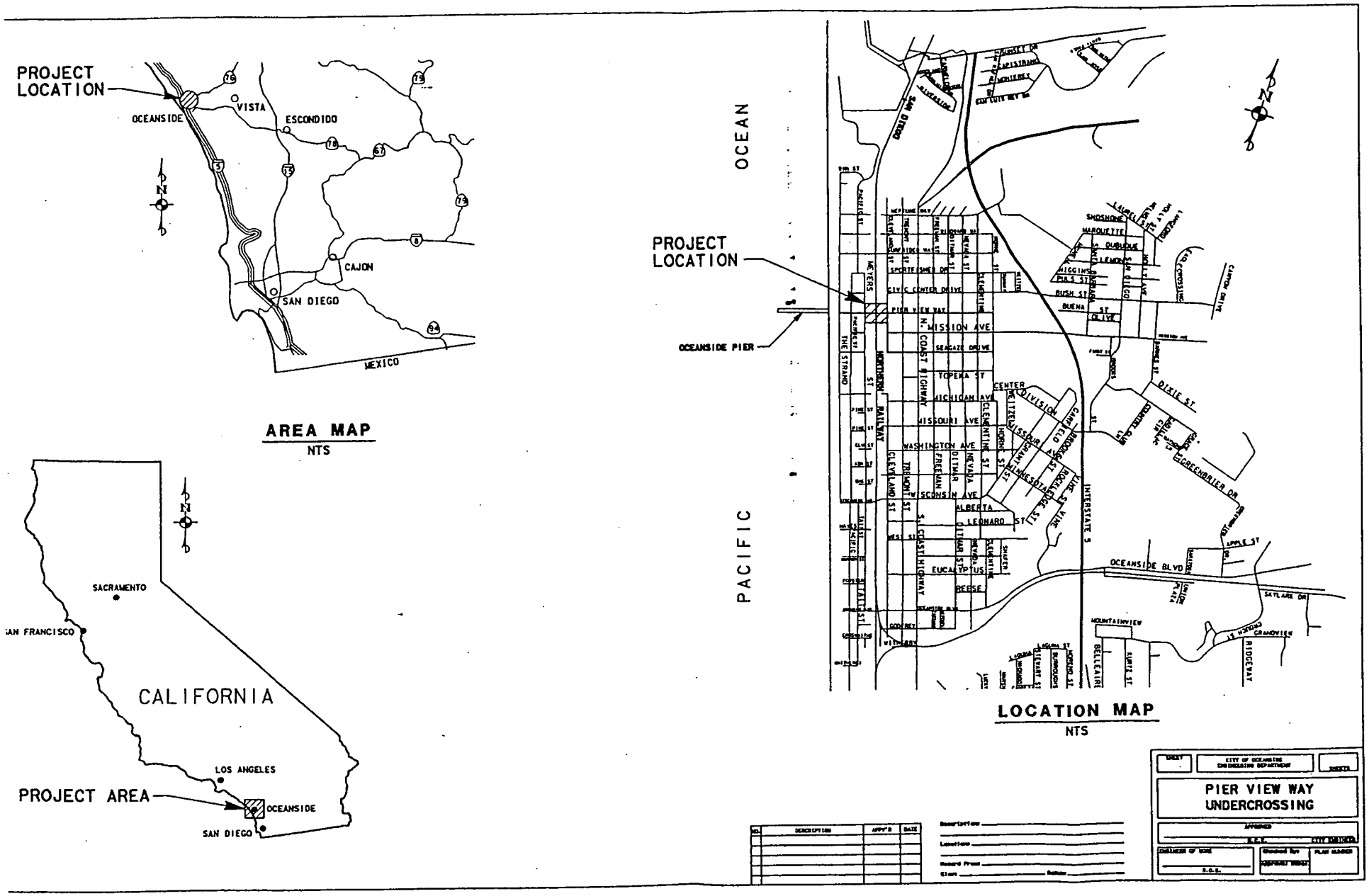
7. The application is granted as set forth above.

8. Application 99-09-018 is closed.

This order becomes effective 30 days from today.

Dated March 02, 2000 at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
CARL W. WOOD
LORETTA M. LYNCH
Commissioners


PROJECT LOCATION
OCEANSIDE
VISTA
ESCONDIDO
CAJON
SAN DIEGO
MEXICO
AREA MAP
NTS
SACRAMENTO
SAN FRANCISCO
CALIFORNIA
LOS ANGELES
PROJECT AREA
OCEANSIDE
SAN DIEGO
OCEAN
PACIFIC
PROJECT LOCATION
OCEANSIDE PIER
MISSION AVE
TOPEKA ST
MICHIGAN AVE
MISSOURI AVE
WASHINGTON AVE
WISCONSIN AVE
ALBERTA
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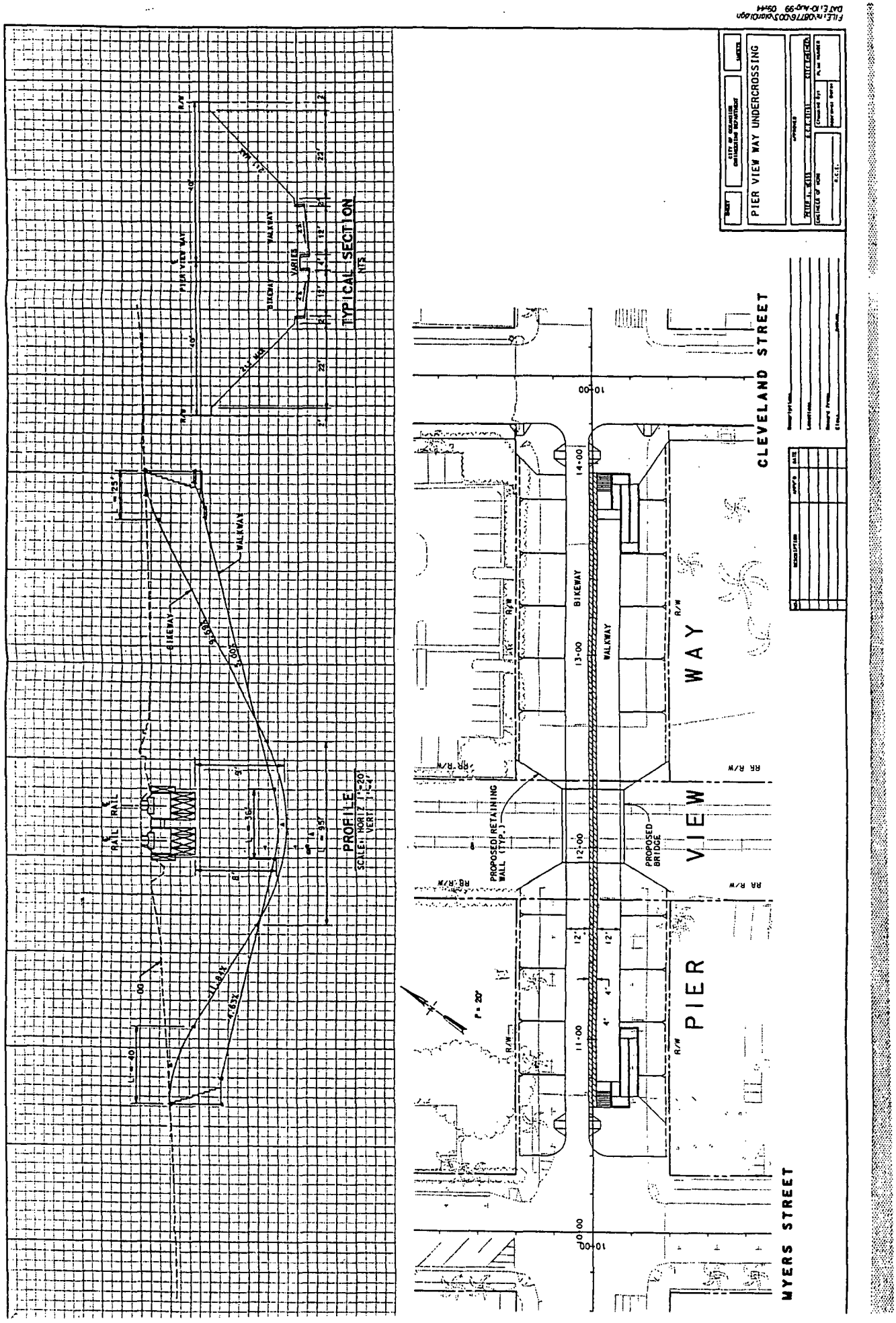
EUCALYPTUS
REESE
OCEANSIDE BLVD
INTERSTATE 5
DIXIE ST
GREENBRIER DR
MOUNTAINVIEW
BELLEAIRE
RIDGEWAY
LOCATION MAP
NTS
PIER VIEW WAY
UNDERCROSSING


PIER VIEW WAY UNDERCROSSING
CLEVELAND STREET
MYERS STREET
PIER VIEW WAY
PROPOSED RETAINING WALL (TYP.)
PROPOSED BRIDGE
BIKEWAY
WALKWAY
TYPICAL SECTION
PROFILE
RAIL
RAIL