

ORIGINAL

Decision No. 51396

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the City of San Diego, County of)
 San Diego, State of California, for)
 an order authorizing the improvement)
 of a crossing at separate grades of)
 Balboa Avenue, and The Atchison,)
 Topeka and Santa Fe Railroad, com-)
 monly referred to as the Balboa)
 Avenue underpass, in the City of)
 San Diego, County of San Diego,)
 State of California.)

Application No. 35466

Alan M. Firestone and John D. Rhoades, Deputies
City Attorney, for the City of San Diego.
Robert W. Walker, John J. Balluff, Joseph H.
Cummins, and Edgar A. Luce, for The Atchison,
Topeka and Santa Fe Railway Company.
H. F. Wiggins and Alan F. Williams, for the
Commission staff.

O P I N I O N

The application herein requesting authority to widen the crossing at separated grades (Atchison, Topeka and Santa Fe Railway Bridge No. B-261) in the City of San Diego of Balboa Avenue and the single line of track of The Atchison, Topeka and Santa Fe Railway Company, hereinafter referred to as the Railroad, was filed by the City of San Diego, hereinafter referred to as the City, on May 25, 1954. On June 30, 1954, the Railroad filed a motion to dismiss the application for alleged failure of the City to comply with the statutory requirements and the Commission's rules with reference to cases involving condemnation, permits for crossing of railroad tracks by highways, and apportionment of costs of grade separations. On July 20, 1954, the motion to dismiss was denied (Decision No. 50287).

On July 29, 1954, the Railroad filed its answer to the application. Therein it alleges, among other things, that there is

no need for any separation, changes or additions to the separated grade structure; that if there is any need for such construction, such need arose out of the increase in truck, bus, automobile and pedestrian traffic; and that it would receive no benefit from and has no need for an enlarged structure. On August 23, 1954, the Railroad filed a document entitled "Third Party Application" in which it requested that the County of San Diego and the City of San Diego be required to pay all costs of any changed structure if any is required. This Commission refused to require that the County be joined as a party and so advised the Railroad.

Public hearings on the application were held before Commissioner Ray E. Untereiner and Examiner Kent C. Rogers in San Diego on March 9, 10, 16, 17 and 18, 1955, and the matter was thereafter submitted. It is ready for decision.

As it is difficult to portray the points and places involved and referred to by the witnesses by words alone, a copy of a map which portrays those most frequently referred to is attached to this decision. This map shows the Pacific Highway (U. S. 101), both old and new, and the Railroad's tracks paralleling it, all running from north to south. Also shown is the present Balboa Avenue which begins on the north end of Morena Boulevard, goes west under the Railroad's track, under the new U. S. Highway 101, at which point there is no interchange, across the old U. S. Highway 101 at grade, to Garnet Avenue which runs westerly to the Pacific Ocean. Morena Boulevard parallels the Railroad's tracks on the east side thereof and extends from Balboa Avenue on the north, to Linda Vista Road (not on the map) on the south. About $1\frac{1}{2}$ miles south of Balboa Avenue is Jellett Street which crosses the Railroad's tracks at grade. Two blocks north of Jellett Street is Huxley Street. Huxley Street terminates at Morena Boulevard on the west (on the attached

map Huxley Street is shown as Clairemont Drive). East of Morena Boulevard, Huxley Street intersects Clairemont Drive. Clairemont Drive runs north and intersects Clairemont Mesa Boulevard approximately 3 miles north of the intersection of Clairemont Drive and Huxley Street. Approximately 2,000 feet west of the intersection of Clairemont Mesa Boulevard and Clairemont Drive, Moraga Avenue runs approximately north and south across Clairemont Mesa Boulevard. Genesee Avenue crosses Clairemont Mesa Boulevard about $\frac{1}{2}$ mile east of Clairemont Drive. Approximately $\frac{1}{2}$ mile south of the intersection of Balboa Street and Morena Boulevard is the intersection of Baker Street and Morena Boulevard. It will be seen that by following various streets it is possible to go from the intersection of Baker Street and Morena Boulevard to the intersection of Rappahannock Avenue and Clairemont Drive. The next crossing south of Jellett Street is Camino Del Rio. It is about 4 miles from the Camino Del Rio crossing to downtown San Diego. The next crossing north of Jellett Street is the Balboa Avenue crossing, the one here involved. The next crossing north of Balboa Avenue is at San Clemente Canyon, about 2 miles north of Balboa Avenue. (See Exhibit 14 for the location of San Clemente Canyon).

The City has developed a long-range plan of major streets and highways in San Diego. (See Exhibits 13 and 14.) Included are plans to extend Balboa Avenue (shown as Grand Avenue Extension in the exhibits mentioned) eastward from Morena Boulevard to the Cabrillo Freeway (U. S. Highway 395), to extend Moraga Avenue from Balboa Avenue north, to extend Tecolote Valley Road south from Balboa Avenue into San Diego, and to extend Genesee Avenue from Balboa Avenue to Cabrillo Freeway. (See Exhibit No. 22.) The only portion of this work to be done in 1955 will be to extend Balboa Avenue from old Pacific Highway to Clairemont Drive, widen the

Balboa Avenue underpass and improve Morena Boulevard. The City Attorney stated that the Jellett Street crossing could be permanently closed when the proposed railroad bridge and Morena Boulevard are completed.

Design and Costs

The City and the Railroad have agreed that the structure, if required, shall be as shown in Exhibit No. 26. This exhibit shows a permanent structure having a center pier 3 feet in width, a 4-foot, 6-inch walkway for maintenance purposes, a 36-foot roadway and a 6-foot sidewalk on each side thereof. The minimum overhead clearance is to be 15 feet. This structure, together with a shoofly for use during construction, will cost an estimated \$172,500 (Exhibit No. 27). The structure is a necessary part of the City's plan to extend Balboa Avenue from old Pacific Highway to Clairemont Drive during the year 1955 (Exhibit No. 25).

Necessity for a Wider Structure at Balboa Avenue

The record shows that there are now over 7,500 dwelling units, housing approximately 25,000 people, in the area east of Pacific Highway and Railroad's tracks shown on the map attached hereto. The majority of these units were constructed in the last 3½ years. The subdivider testifying for the City stated that new families are moving in at present at the rate of 30 per week and that in about 6 months he expects families to move in at the rate of 60 per week. He plans to construct a minimum of 2,000 units in 1956 and 1,500 in 1957 in the area depicted in the attachment.

As will be seen from the attachment, at the present time there is no ingress or egress to and from the area except via Balboa Avenue, Jellett Street or Morena Boulevard. The Balboa Avenue underpass is wide enough for only one lane of vehicular traffic in each direction (see series of pictures, Exhibit No. 51). Jellett Street can only

accommodate one lane of cars in each direction, and Morena Boulevard will only accommodate one moving lane of traffic in each direction. (See Exhibit No. 38.) Public witnesses testified that during the rush hours it requires from thirty minutes to more than an hour to drive between downtown San Diego and the area north of Jellett Street, a distance of less than 10 miles, via any of the named streets. Balboa Avenue and the Morena Boulevard extension cross the tracks at separated grades, but Jellett Street crosses the tracks at grade and the evidence shows that during the rush hours traffic lines up across the track bumper to bumper. Trains have been crossing Jellett Street at between 70 and 80 miles per hour, but the Railroad, during the course of these hearings, agreed with the San Diego City Council to reduce the speed of its trains to 30 miles per hour to reduce the hazard.

Exhibit No. 29 shows that in 1953 an average of 3,800 motor vehicles per day passed under the Balboa Avenue bridge, 2,000 cars per day used Baker Street east of Morena Boulevard, 7,200 cars per day used Huxley Street (Clairemont Drive) east of Morena Boulevard, 5,300 cars per day crossed the railroad at the Jellett Street grade crossing, and 9,400 cars per day passed south of Jellett Street on Morena Boulevard. Exhibit No. 31 shows that in 1954 an average of 8,200 motor vehicles per day passed under the Balboa Avenue bridge, 4,900 cars per day used Baker Street east of Morena Boulevard, 12,600 cars per day used Huxley Street (Clairemont Drive) east of Morena Boulevard, 7,100 cars per day crossed the railroad at the Jellett Street grade crossing, and 12,600 cars per day passed south of Jellett Street on Morena Boulevard. This rapid increase in traffic is expected to continue as the population of the area continues to grow.

The evidence shows that San Diego is one of the fastest growing cities in California. It also shows that the Clairemont area is in the fastest growing portion of San Diego (Exhibits Nos. 15 and 16). The City is extending Balboa Avenue from Morena Boulevard to

Clairemont Drive in 1955, and widening Balboa Avenue to four lanes at all points between Pacific Highway and Clairemont Drive except the Balboa Avenue underpass, where six lanes are proposed. It herein asks that it be given authority to widen the underpass to conform to the width of all future construction on Balboa Avenue. It has also agreed through its attorney that when the underpass at Balboa Avenue and Morena Boulevard is completed, the Jellett Street crossing may be closed subject to the right of the City to the use thereof for short periods as necessary during the widening of Morena Boulevard. Upon the evidence of record herein it appears, and we find, that public convenience and necessity require that Balboa Avenue be altered to conform to the plans detailed in Exhibit 26, and that the Jellett Street grade crossing be closed.

Division of Cost

The division of costs between the public authorities and the Railroad in grade separation cases is a matter for determination by the Commission in the exercise of its sound discretion based on its informed judgment. In ordering a division, the Commission exercises the police power of the state, delegated to it in these matters, and is charged with the duty of fixing and assessing against the Railroad a fair and reasonable part of the costs as determined by all of the facts and evidence of record.

On consideration of the full record in this case, we are of the opinion and hereby find that the costs of the widening of the

Balboa Avenue bridge should be borne 75 per cent by the City of San Diego and 25 per cent by The Atchison, Topeka and Santa Fe Railway Company, and that such apportionment shall be subject to the conditions of the order herein.

In the event that the actual construction is undertaken by the Railroad, it is to be understood that this division of costs is based on the assumption that the total cost shall not exceed to an unreasonable extent the estimated cost of \$172,500, and that the items of cost to be included shall be in substantial accord with the cost estimate submitted at the hearings and received in evidence as Exhibit No. 27.

O R D E R

Application as above-entitled having been filed, public hearings having been held thereon, and the Commission being fully advised in the premises,

IT IS ORDERED that the City of San Diego be, and it is hereby authorized to widen and increase the height of the existing underpass referred to in the foregoing opinion substantially in accordance with the plans introduced in evidence in the proceeding, subject to the following conditions:

1. The expense of constructing the structure and temporary shoofly shall be borne 75 per cent by the City of San Diego and 25 per cent by The Atchison, Topeka and Santa Fe Railway Company.

2. In the event applicant elects to construct said undergrade crossings, the cost of maintaining those portions of the separations

which, for the purpose of this decision, shall be referred to as the superstructures, which shall be deemed to be everything above the bridge seats, shall be borne by The Atchison Topeka and Santa Fe Railway Company. The remainder of the maintenance of said structures shall be borne by the City of San Diego.

3. The crossing shall be constructed with clearances conforming to the provisions of General Order No. 26-D of this Commission.

4. Within thirty days after the completion of the crossing the City of San Diego shall notify the Commission in writing of that fact.

5. This order is subject to and conditioned upon acceptance by the City of San Diego of the second part of the order contained herein.

IT IS FURTHER ORDERED that the City of San Diego is authorized and ordered to close and abolish the grade crossing of Jellett Street across the San Diego branch of The Atchison, Topeka and Santa Fe Railway Company (P.U.C. No. 2-261.8), concurrently with the opening to the public of Balboa Avenue under The Atchison, Topeka and Santa Fe Railway Company structure authorized by this order, subject to the following conditions:

1. For a period of not to exceed one year from the completion of the new Balboa Avenue underpass referred to in the order herein, the City of San Diego shall maintain at its expense temporary but effective barricades across Jellett Street on each side of the railroad tracks and may remove said barricades and open said street to traffic at such times as may be necessary to facilitate road construction on Morena Boulevard. Such barricades shall not be removed except on ten day's notice to The Atchison, Topeka and Santa Fe Railway Company and to this Commission.

2. During the period after the erection of said temporary barricades and prior to the permanent closure of the Jellett Street

crossing, the existing warning devices and the street within lines two feet outside of the outside rails shall be maintained by The Atchison, Topeka and Santa Fe Railway Company as at present.

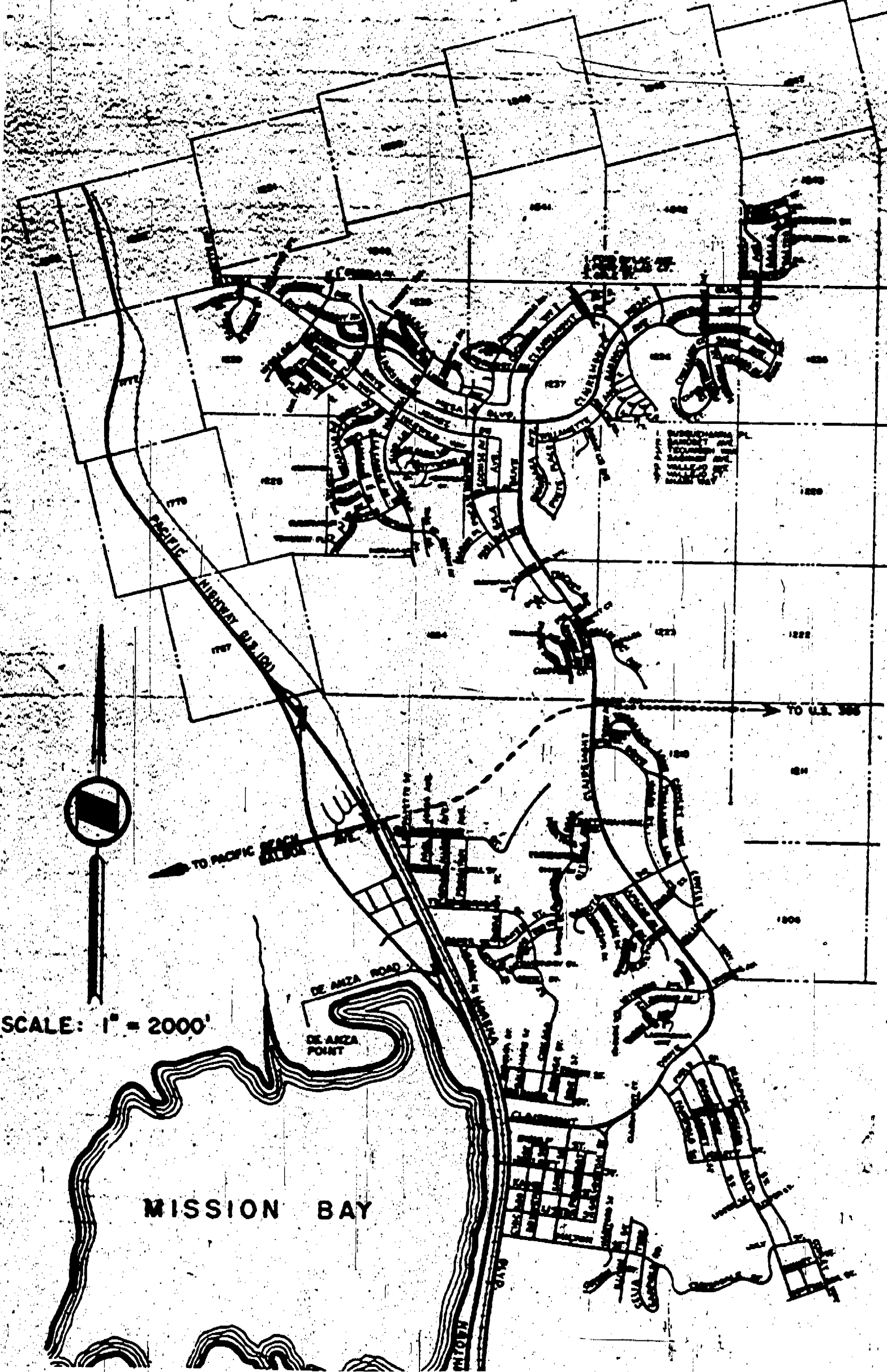
3. After the expiration of one year from the completion of the Balboa Avenue bridge the City of San Diego shall arrange at its expense to remove the pavement of said crossing and its approaches and within the limits of the railroad right of way and erect suitable permanent barriers in such manner as to prevent further use of said crossing by the public.

IT IS FURTHER ORDERED that the authorizations herein granted shall expire if not exercised within one year after the effective date hereof unless further time is granted by subsequent order.

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

Dated at San Francisco, California, this 26th day of April, 1955.

Edward E. Mitchell
President
Justin F. Craemer
Paul Lutgen
William J. Dooly
Commissioners



SCALE: 1" = 2000'

MISSION BAY

DE ANZA ROAD

DE ANZA POINT

TO PACIFIC BEACH

TO U.S. 905

