

Decision No. 51320**ORIGINAL**

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

J. F. Du Paul, City Attorney, by Frederick Holoboff, Deputy City Attorney, for the City of San Diego.

William F. Brooks, for The Atchison, Topeka and Santa Fe Railway Company, interested party.

Alan F. Williams, for the Commission staff.

O P I N I O N

By Decision No. 51396, dated April 26, 1955, in Application No. 35466, the City of San Diego (hereinafter referred to as "the city") was given authority to widen the roadway and increase the height of the Balboa Avenue underpass under the tracks of The Atchison, Topeka and Santa Fe Railway Company (hereinafter referred to as Santa Fe) in the City of San Diego. Approximately 1-1/2 miles south of Balboa Avenue Jellett Street crosses the Santa Fe's main line of track at grade. Said crossing is between Lorena Boulevard, on the east side of the track, and U. S. Highway 101, on the west side of the track. By the same decision the city was ordered to close and abolish the grade crossing at Jellett Street concurrently with the opening of Balboa Avenue under the Santa Fe tracks subject to the following conditions:

- (1) For a period of not to exceed one year from the completion of the new Balboa Avenue underpass the city was required to maintain at its own expense temporary barricades across Jellett Street on each side of the railroad tracks and was authorized to remove said barricades and open the street to traffic when necessary to facilitate construction on Morena Boulevard, provided that such barricades were not to be removed except on ten days' notice to the Santa Fe and to the 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 were to be maintained by the Santa Fe.
- (3) After the expiration of one year from the completion of the Balboa Avenue bridge, the city was to remove the pavement across the tracks at Jellett Street at its expense and erect suitable permanent barriers to prevent further use of said crossing.

The decision contains a provision reading as follows:

"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 order was effective twenty days after April 26, 1955.

On October 22, 1956, the city filed its First Supplemental Application No. 35466 in which it alleged, inter alia, that the Balboa Avenue underpass had been completed; that scheduled work on Morena Boulevard would start soon after October 18, 1956, and that to facilitate construction on Morena Boulevard it was necessary to keep Jellett Street open to vehicular traffic.

The city requested an order (1) modifying Decision No. 51396 to relieve the city from complying with the portion of the order requiring the closing of Jellett Street concurrently with the opening of Balboa Avenue underpass and (2) authorizing the City of San Diego to maintain Jellett Street open to vehicular traffic across the San Diego Branch of the Santa Fe tracks until

the construction work on Morena Boulevard shall have been completed.

On January 8, 1957, the Commission issued an order on said first supplemental application (Decision No. 54362) in which it ordered as follows:

"IT IS ORDERED that the City of San Diego is temporarily authorized to continue a limited use of the Jellett Street crossing across that railroad (Crossing No. 2-261.8), subject to the following conditions:

- "(1) Vehicular traffic over the crossing shall be restricted to those vehicles engaged in the actual construction work of Morena Boulevard.
- "(2) ...
- "(3) Temporary but effective barricades shall be placed across Jellett Street on each side of the railroad tracks at all times except when vehicular crossings are being made. During these passages, barricades shall be removed by a human flagman who shall supervise the passage of that equipment and prevent other vehicles from crossing the tracks. After passage has been completed, the barricades shall be replaced by the human flagman. ...
- "(4) After the expiration of one year from the effective date of this order or upon completion of Morena Boulevard, whichever occurs first, the City of San Diego shall arrange at its expense, to remove the pavement of said crossing and its approaches within the limits of the railroad right of way and erect suitable permanent barriers so as to prevent further use of said crossing."

The foregoing order became effective on its date.

On February 6, 1957, the city filed its petition for rehearing of the said first supplemental application and requested a stay of Decision No. 54362 pending a hearing on the necessity for keeping the Jellett Street crossing open to all vehicular traffic.

On March 12, 1957, the Commission issued an order denying a stay of Decision No. 54362 and granting a rehearing.

On March 25, 1957, a public hearing was held in San Diego, California, before Commissioner Ray E. Untereiner and Examiner Kent C. Rogers, and the matter was submitted. It is ready for decision.

Exhibit No. 54 herein depicts the area involved which is substantially the same as that area considered in the original application herein. The streets have been changed in that, among other things, Balboa Avenue has been extended from Morena Boulevard on the west to Clairemont Drive on the east, and Morena Boulevard, formerly a two-lane highway for its full length, is a four-lane highway from Balboa Avenue to Clairemont Drive, two blocks north of Jellett Street. It is approximately 19,000 feet from Balboa Avenue on the north to Camino del Rio on the south. The only street crossing the Santa Fe tracks between those points is Jellett Street which is approximately 7,600 feet south of Balboa Avenue. There are approximately 35,500 persons residing in the area east of the railroad tracks and between Balboa Avenue and Camino del Rio, which are the Clairemont and Morena sections of San Diego (Exhibits 56 and 57). These people get to San Diego either by using Balboa Avenue or Jellett Street across the tracks to U. S. Highway 101, or by using Morena Boulevard and Camino del Rio (Exhibit No. 54). At the present time Morena Boulevard is under construction from Clairemont Drive on the north to Sheridan Street on the south and only one line of traffic can travel thereon in each direction. This condition will continue until the completion of construction on Morena Boulevard, now scheduled for November, 1957. After its completion Morena Boulevard will be a four-lane highway for its full length. Exhibit No. 55 shows

traffic counts made before and after Balboa Avenue was opened eastward from Morena Boulevard on October 19, 1956, and the estimated traffic volume on the streets involved with Jellett Street closed. This exhibit shows that approximately 8,350 vehicles are presently using the Jellett Street crossing in a 24-hour day. If Jellett Street is closed, it is estimated that approximately 2,400 of these vehicles will go north to Balboa Avenue, and the balance will be required to travel south on Morena Boulevard.

A witness testified that if the Jellett Street crossing is closed before Morena Boulevard is completed for its full length there will be, in peak periods, from 17,000 to 29,000 vehicles per day using Morena Boulevard between Clairemont Drive on the north and Camino del Rio, and that it is clear that congestion to a hazardous degree will result.

We have considered the record and are of the opinion that Jellett Street should remain open for general vehicular traffic until such time as construction of Morena Boulevard between Balboa Avenue and Camino del Rio is completed subject to appropriate restrictions as set forth in the order herein. Accordingly, the order of Decision No. 54362 is vacated and set aside and the following order substituted therefor.

O R D E R

IT IS ORDERED that the City of San Diego is temporarily authorized to continue the use of the Jellett Street crossing across the tracks of The Atchison, Topeka and Santa Fe Railway Company tracks (Crossing No. 2-261.8) until the completion of

Morena Boulevard or further order of the Commission, whichever occurs first, subject to the following conditions:

- (1) During the temporary retention of the Jellett Street crossing, The Atchison, Topeka and Santa Fe Railway Company shall operate its trains at reduced speeds, with a maximum of 30 miles per hour for the last quarter mile in the approach to that crossing. The existing railroad warning devices and the pavement between lines two feet outside of rails shall be maintained by The Atchison, Topeka and Santa Fe Railway Company.
- (2) The City of San Diego shall provide crossing watchmen at the Jellett Street crossing (Crossing No. 2-261.8) to warn the public of approaching trains throughout the entire period of each day during which said crossing is open for use by vehicles of any type.
- (3) The City of San Diego may, if it so elects, close the said Jellett Street crossing (Crossing No. 2-261.6) for all vehicular traffic during specified periods of each 24-hour day, by the erection of signs and effective temporary barricades at the intersections of Jellett Street with Morena Boulevard and with U. S. Highway 101, subject to the following conditions:
  - (a) Such closing shall be for the same hours of every day, except that the hours that the said crossing is to be closed on Saturdays and Sundays need not be the same as those for weekdays.
  - (b) This Commission and The Atchison, Topeka and Santa Fe Railway Company shall be informed by the City whether it elects to close the crossing as above provided, the hours of such closing on each day, and of any changes subsequently made in such hours.
  - (c) The required signs and barricades shall be installed in place on each and every day when the crossing is to be closed before the watchman leaves his post, and shall not be removed until such watchman has resumed the performance of his duties.

(4) When Morena Boulevard is completed or upon further order of the Commission, whichever occurs first, the City of San Diego shall arrange, at its expense, to remove the pavement of said crossing and its approaches within the limits of the railroad right of way and erect suitable permanent barriers so as to prevent further use of said crossing.

Except as modified hereby, Decision No. 51396 shall remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 9<sup>th</sup> day of April, 1957.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
Commissioners