

ORIGINAL

Decision 89 02 055 FEB 24 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of the)
City of San Diego and the San Diego)
Metropolitan Transit Development Board to)
construct Front Street and First Avenue,)
two public streets, across the railroad)
tracks of The Atchison, Topeka and)
Santa Fe Railway Company in the City of)
San Diego, County of San Diego.)

Application 88-09-026
(Filed September 12, 1988)
(Amended November 12, 1988)

O P I N I O N

As part of the Bayside light rail transit (LRT) project, the City of San Diego (City) and the San Diego Metropolitan Transit Development Board (MTDB) request authority to construct Front Street and First Avenue across the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line, and in connection therewith; remove remaining freight tracks, add light rail vehicle (LRV) tracks for exclusive use of the LRT system and close existing "E" Street and "F" Street at grade crossings located one-half mile to the northwest, in San Diego, San Diego County.

The proposed crossings at Front Street and First Avenue will improve traffic circulation and vehicular and pedestrian access to existing and proposed development in San Diego's Centre City and Bayside areas, including the future San Diego Convention Center. The proposed addition of two tracks for exclusive LRV use is required for MTDB's Bayside LRT system, which will provide service between the San Diego Harbor, the Convention Center, City Centre, El Cajon, La Mesa, and the International border.

MTDB is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000, et seq. After preparation

and review of an Environmental Impact Report, MTDB approved the project. On August 28, 1987, a Notice of Determination was filed with the San Diego County Clerk which found "That the project would not have a significant effect on the environment".

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's EIR and Notice of Determination.

The site of the project has been inspected by the Commission's Traffic Engineering staff. The staff has discussed this matter with the City of San Diego, MTDB, and AT&SF engineering staffs, and has also reviewed the plans for the proposed crossing construction. Pertinent portions of these plans are incorporated in the appendix attached to this order. The staff recommends the Commission grant the sought authority.

MTDB has met the filing requirements of the Commission's Rules of Practice and Procedure including Rule 38, which relates to the construction of public highways across a railroad. Detailed drawings of the crossing street geometrics are attached to Appendix "A" of this order.

To improve the riding quality and durability of the AT&SF crossings, MTDB requests an exemption from General Order (GO) 72-B to permit the installation of a rubber grade crossing surface, which crossing surface is not included within the standards of GO 72-B. Since there appears to be ample justification for the installation of rubber crossing surfaces in this instance, an exemption from GO 72-B to permit the installation will be granted.

MTDB wishes to commence construction of this portion of its LRT system at the earliest possible date. It is, therefore, requested that the usual 30-day effective date on an order be waived. We will make our order effective immediately.

By protest filed October 6, 1988 AT&SF raised objections to details of the proposed crossing designs at Front Street and First Avenue and requested that city both close and vacate the

existing crossing at "E" and "F" Streets. City and MTDB filed an amendment to the application on November 12, 1988, incorporating the proposed changes and AT&SF by letter dated November 30, 1988 withdrew its protest. There are no other unresolved matters, a public hearing is not necessary.

Findings of Fact

1. City and MTDB request authority under Public Utilities Code Sections 1201-1205 to construct Front Street and First Avenue at-grade across the tracks of AT&SF's main line, to remove remaining freight track, and to add two tracks for exclusive LRV use by MTDB in San Diego, San Diego County.

2. City and MTDB also request authority to close the existing "E" Street and "F" Street at-grade crossings.

3. Construction of the two LRV tracks at Front Street and First Avenue and the closure of "E" Street and "F" Street at-grade crossings is an essential element in the construction of MTDB's Bayside LRT system.

4. Public convenience and necessity require construction of Front Street, First Avenue, the addition of two LRV tracks, the closure of "E" Street and "F" Street at-grade crossings and other related track crossing work.

5. Public safety requires that the crossings be protected as follows:

- a. Front Street, one Standard No. 9 automatic gate-type signal and one Standard No. 9-A automatic gate-type signal with cantilevers for southwest-bound traffic. Traffic should be directed as indicated in the amended application.
- b. First Avenue, one Standard No. 9 automatic gate-type signal and one Standard No. 9-A automatic gate-type signal with cantilevers (General Order (GO) 75-C) for northeast-bound traffic. Traffic should be directed as indicated in the amended application.

6. Traffic signals at the intersections of Front Street and Harbor Drive and First Avenue and Harbor Drive should be preempted by train and LRV movements as indicated in the amendment to the application.

7. The public and the railroad will benefit from installation of a rubber crossing surface at the proposed AT&SF crossings.

8. MTDB is the lead agency for this project under CEQA, as amended.

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

10. The project will have no significant impact on the environment.

Conclusions of Law

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

2. The exception from GO 72-B should be granted to permit the installation of a rubber grade crossing surface at the AT&SF crossings.

3. The usual 30-day effective date on an order should be waived as MTDB wishes to commence construction at the earliest possible date.

O R D E R

IT IS ORDERED that:

1. The City of San Diego (City) and the San Diego Metropolitan Transit Development Board (MTDB) are authorized to perform the following items: 1) construct Front Street and First Avenue across the tracks of The Atchison, Topeka and Santa Fe Railway Company's (AT&SF) main line, 2) remove remaining freight track, 3) construct two LRV tracks for exclusive use of the MTDB

LRT system at-grade, to be identified as Front Street, joint crossing 2-268.2 (AT&SF) and 81-0.7 (MTDB) and First Street joint crossing 2-261.3 (AT&SF) and 81-0.8 (MTDB) in San Diego, San Diego County at the location and substantially as shown by plans attached to the application and Appendix "A" to this order.

2. MTDB is granted an exemption from GO 72-B to permit the installation of rubber crossing surface material at the AT&SF crossings.

3. Construction of the crossing shall be in accordance with the provisions of GO 72-B except that rubber grade crossing surface shall be installed at the AT&SF crossings.

4. Clearances shall be in accordance with GO 26-D, and walkways shall conform to GO 118, at the AT&SF crossings.

5. Clearances and walkways shall conform to GO 143 at the MTDB crossings.

6. Protection at the crossings shall be as follows: a) Front Street, one Standard No. 9 automatic gate-type signal and one Standard No. 9-A automatic gate-type signal with cantilever for southwest-bound traffic b) First Avenue, one Standard No. 9 automatic gate-type signal and one Standard No. 9-A automatic gate-type signal with cantilever (GO 75-C) for northeast-bound traffic.

7. Traffic signals at the intersection of Front Street and Harbor Drive, and First Avenue and Harbor Drive shall be preempted by train and LRV movements.

8. With the opening of the Front Street and First Avenue crossings, existing crossings at "E" Street (Crossing No. 2-267.7) and "F" Street (Crossing No. 2-267.75) shall be removed and closed to vehicular and pedestrian traffic.

9. Construction and maintenance costs of the automatic protection shall be borne in accordance with an agreement which has been entered into between the parties. A copy of the agreement shall be filed with the Commission prior to construction.

10. Within 30 days after completion of the work under this order MTDB shall notify the Commission in writing that the authorized work has been done.

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

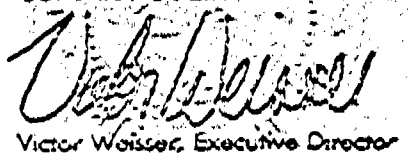
12. The application is granted as set forth above.

This order is effective today.

Dated FEB 24 1989, at San Francisco, California

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


Victor Weisser, Executive Director

