

Decision 92 01 030 JAN 10 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the )  
SAN DIEGO METROPOLITAN )  
TRANSIT DEVELOPMENT BOARD )  
for an order authorizing the construction )  
of two light rail vehicle tracks at-grade )  
at Kettner Boulevard in the City and )  
County of San Diego, California )

**ORIGINAL**

Application 90-11-055  
(Filed November 30, 1990,  
Amended September 30, 1991)

O P I N I O N

As part of its Bayside Line Project, the San Diego Metropolitan Transit Development Board (MTDB), requests authority to construct two railroad tracks at grade across Kettner Boulevard in San Diego, San Diego County. The tracks are for use by San Diego Trolley Inc.'s (SDTI) Siemens-Duewag rail transit vehicles operating over MTDB's Centre City/Bayside lines. The proposed grade crossing is between Santa Fe Depot and Great American Plaza, and north of the intersection of Broadway and Kettner Boulevard.

By amendment filed September 30, 1991, MTDB submitted revised plans for the grade crossing and the adjacent intersection. The revision shows two-way vehicular traffic on Kettner Boulevard and additional traffic control devices.

MTDB is a transit development board created under Chapter 294, Statutes of 1975 (Public Utilities (PU) Code §§ 120050 et seq.) to construct and operate transportation systems in the San Diego area. The Centre City portion of its South Line opened in 1981, while the Bayside Line opened in 1990. The proposed grade crossing connects the Bayside Line, which serves the new San Diego Convention Center and the Santa Fe Depot, with tracks through Great American Plaza to the Centre City. Both the depot and Great American Plaza will have SDTI rail transit stations. The depot, with Amtrak's eight roundtrip San Diegans a day to Los Angeles and other paratransit and bus services, is an important transportation center in San Diego. San Diego North County Transit District will offer commuter rail service into the depot in the near future.

MTDB 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 Environmental Impact Report (EIR), MTDB filed a Notice of Determination with the San Diego County Clerk on August 28, 1987, which found "That the project would not have a significant effect on the environment".

The site of the proposed project has been inspected by the Commission's Safety Division staff - Traffic Engineering Section. Staff is of the opinion that there will be no significant effect on the environment. Staff examined the need for and the safety of the proposed grade crossing, and recommends that the crossing be approved.

The application was found to be in compliance with the Commission's filing requirements, including Rule 40 of Rules of Practice and Procedure, which relates to the construction of railroad track across a public street. A location map and details from the project plans are shown in Appendix A.

#### Findings of Fact

1. Notice of the application and its amendment were published in the Commission's daily calendar on December 6, 1990, and October 24, 1991 respectively. No protests have been received. A public hearing is not necessary.

2. MTDB requests that it be granted authority under PU Code §§ 1201-1205 to construct two railroad tracks over Kettner Boulevard in San Diego, San Diego County.

3. Construction of the grade crossing is an essential element in construction of MTDB's public transportation system.

4. Public convenience and necessity require construction of the crossing.

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

6. The Commission has reviewed and considered the lead agency's Environmental Impact Report and Negative Declaration.

7. The project will not have a significant effect on the environment.

8. Public safety requires that protection at the crossing and the adjacent intersection be vehicular and pedestrian traffic signals preempted by train movements to avoid conflicting aspects.

Conclusion of Law

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

O R D E R

IT IS ORDERED THAT:

1. San Diego Metropolitan Transit Development Board (MTDB) is authorized to construct two railroad tracks for use by the San Diego Trolley, Inc. (SDTI) over Kettner Boulevard in San Diego, San Diego County, at the location and substantially as shown by plans attached to the application and Appendix A of this order, to be identified as Crossing Number 81-0.14.

3. Construction of the crossings shall be equal or superior to Standard No. 1 of General Order (GO) 72-B.

4. Maintenance of the crossings shall conform to GO 72-B.

5. Clearances and walkways shall conform to GO 143.

6. Protection at the crossing and the adjacent intersection of Kettner Boulevard and Broadway shall be vehicular and pedestrian traffic signals and signage. Signals will be preempted by train movements to avoid conflicting aspects.

7. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

8. Within 30 days after completion of the work under this order, MTDB shall notify the Safety Division in writing that the authorized work has been completed.

9. This authorization shall expire if not exercised within two 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.

10. The application is granted as set forth above.

This order becomes effective 30 days from today.

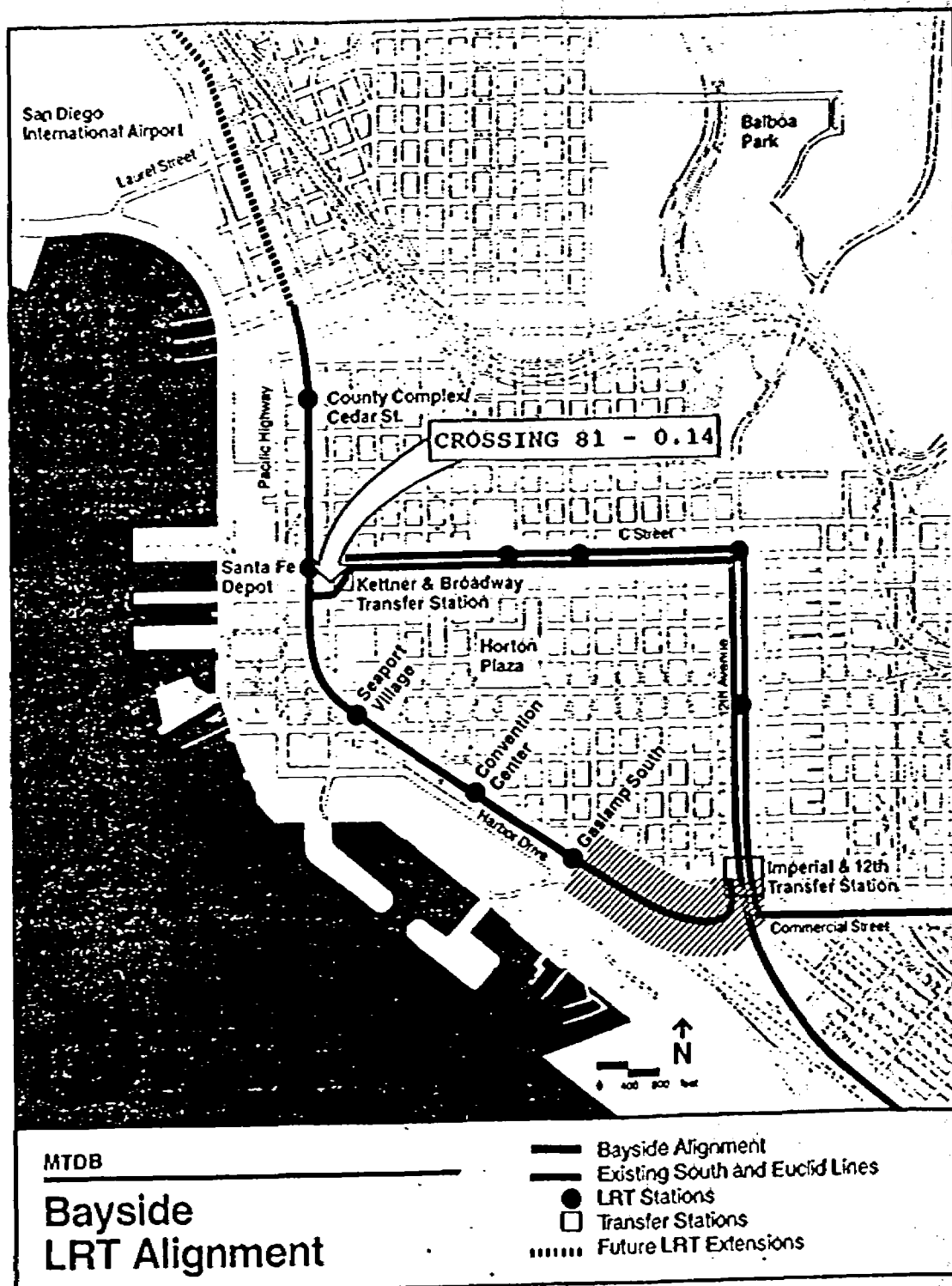
Dated JAN 10 1992 at San Francisco, California.

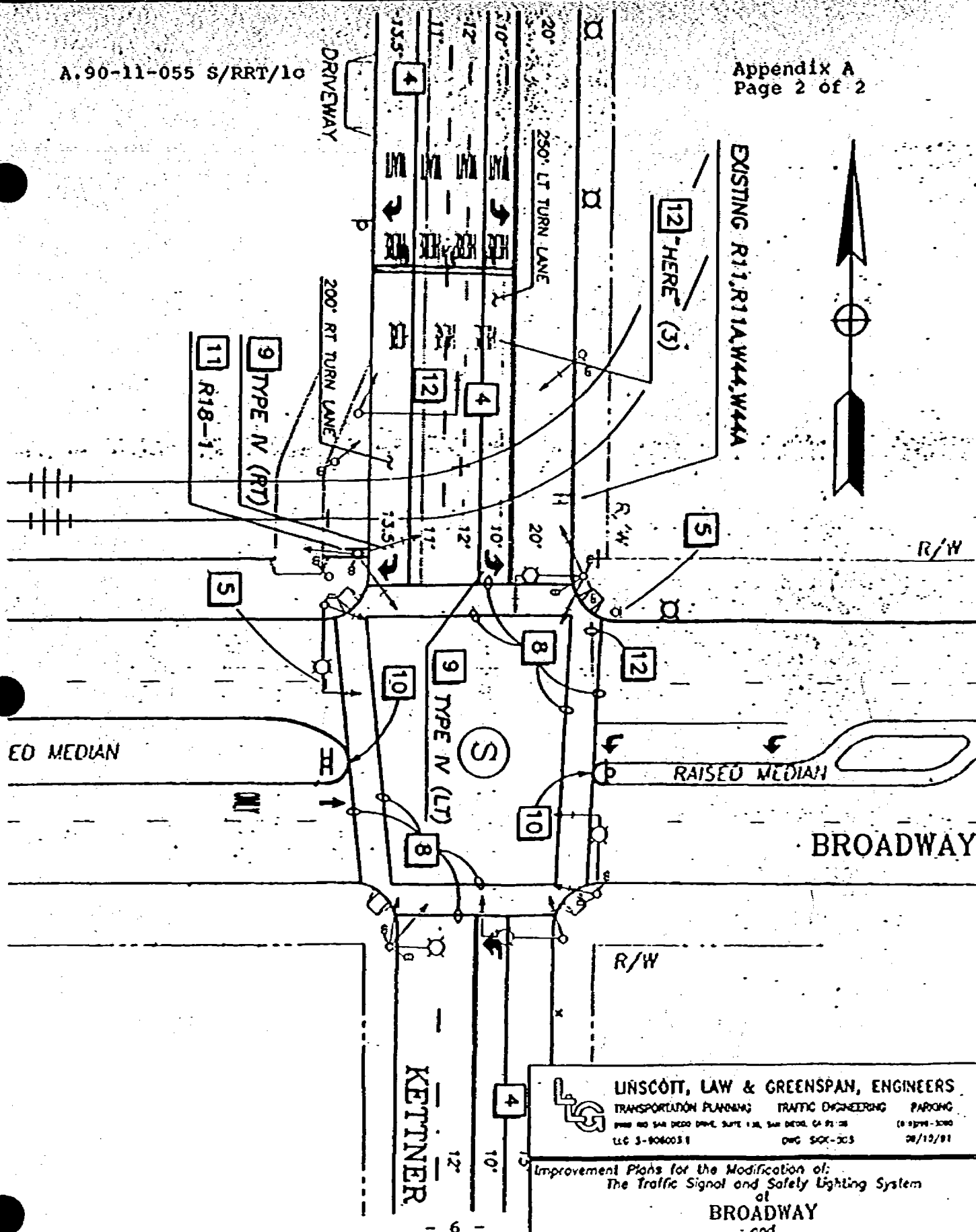
DANIEL Wm. FESSLER  
President

JOHN B. OHANIAN  
PATRICIA M. ECKERT  
NORMAN E. SHUMWAY  
Commissioners

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

  
NEAL J. SHULMAN, Executive Director





**LINSCOTT, LAW & GREENSPAN, ENGINEERS**

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The Traffic Signal and Safety Lighting System  
at  
**BROADWAY**  
and  
**KETTNER BLVD.**  
for the Great American Plaza