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Decision <u>95-08-042</u> August 11, 1995

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 construction of a pedestrian undercrossing below two existing) freight/commuter and intercity rail and two) proposed light rail vehicle tracks in the City of San Diego, California.

Application 94-04-040 (Filed April 25, 1994)



<u>O P I N I O N</u>

San Diego Metropolitan Transit Development Board (MTDB) requests authority to construct a pedestrian undercrossing below two existing freight/commuter and intercity rail tracks and two proposed light rail vehicle tracks, in San Diego, San Diego County.

MTDB is responsible for implementing the Regional Transportation Plan (RTP), including the construction of mass transit projects. MTDB has adopted a plan for a regional light rail transit (LRT) system linking downtown San Diego with outlying areas to the south, east, and north. The Old Town LRT Extension is part of the RTP, providing direct service between Old Town and Centre City San Diego. The Old Town Station will include station platforms for both light rail vehicles and North San Diego County Transit District commuter trains, and San Diego Transit bus parking bays. Kistoric Old Town is a California State Park, a major tourist destination, and a commercial center. Future light rail transit service will extend north from Old Town, west to the San Diego International Airport, and east to Mission Valley.

The Old Town pedestrian undercrossing will be located approximately 564 feet south of the existing Taylor Street vehicle and pedestrian at-grade crossing, and approximately 500 feet north of the Interstate 5 Overhead, Grade Separation.

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The pedestrian undercrossing will be constructed of cast in place concrete, approximately 113 feet in length, 30 feet in width, and will provide approximately 10 feet of head room, and serve as the primary pedestrian crossing for the Old Town Transit Center.

MTDB 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 Environmental Impact Report (EIR), MTDB approved the project. On February 28, 1990, 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 BIR and Notice of Determination. The site of the proposed grade separation has been inspected in the field and the proposed plans have been reviewed by the Commission's Safety and Enforcement Division Traffic Engineering staff.

The application was found to be in compliance with the Commission's filing requirements including Rule 38 of the Rules of Practice and Procedure which relate to the construction of public highways across railroads. Detailed drawings of the proposed construction are included in the appendices of this order.

<u>Findings of Fact</u>

1. Notice of the Application was published in the Commission's Daily Calendar on May 3, 1994. No protests have been received. A public hearing is not necessary.

2. MTDB requests authority under Public Utilities Code Sections 1201-1205 to construct a pedestrian undercrossing below two existing freight/commuter and intercity rail tracks and two proposed light rail vehicle tracks, in San Diego, San Diego County.

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3. Construction of the new pedestrian undrerossing will provide safe access below the two existing active freight /commuter and intercity rail tracks and the two proposed light rail vehicle tracks.

4. Public convenience, necessity, and safety require construction of the pedestrian undercrossing grade separation project.

5. MTDB 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 EIR and Notice of Determination.

Conclusion of Law:

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

<u>ORDBR</u>

IT IS ORDBRED that:

1. San Diego Metropolitan Transit Development Board (MTDB) is authorized to construct a pedestrian undercrossing below two existing freight/commuter and intercity rail tracks and two proposed light rail vehicle tracks, to be identified as Crossing No. 2-264.25-BD, in San Diego, San Diego County, as shown on Appendix A attached to this order.

2. Clearances shall be in accordance with General Order (GO) 143-A for MTDB.

3. Clearances shall be in accordance with GO 26-D and walkways shall conform to GO 118 for AT&SF and Amtrak.

4. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. In the event parties fail to agree, the Commission shall

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apportion costs by further order. A copy of the agreement shall be filed with the Commission's Safety and Enforcement Division prior to commencing construction.

5. Within 30 days after completion of the work under this order, MTDB shall notify the Commission's Safety and Enforcement Division in writing that the authorized work has been completed.

6. This authorization shall expire if not exercised within three 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.

The application is granted as set forth above.
This order becomes effective 30 days from today.
Dated <u>AUG 11 1995</u> at San Francisco, California.

DANIEL Wm. FESSLER President P. GREGORY CONLON JESSIE J. KNIGHT, JR. HENRY M. DUQUE Commissioners

I CERTIFY THAT THIS DECISION WAS APPROVED BY THE AND VE COMMISSIONERS TODAY

Acting Expoutive Director



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LOCATION MAP



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