

Decision 98-09-068 September 17, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the North San Diego)
 County Transit Development Board for)
 an Order Authorizing the Board to)
 construct two new overhead structures)
 over the existing tracks and right-of-way)
 owned by the Board, to construct a)
 temporary at grade crossing of Lomas)
 Santa Fe Drive and construct two in station)
 pedestrian crossings all in connection with)
 the construction of the Lomas Santa Fe)
 Grade Separated Crossing by Board in the)
 City of Solana Beach, San Diego County.)

ORIGINAL

Application 98-07-042
(Filed July 23, 1998)

OPINION

The North San Diego County Transit Development Board (NSDCTDB) requests authority to construct a vehicular overcrossing and a pedestrian overcrossing above its main line tracks, in the City of Solana Beach, San Diego County.

The purpose of the Oceanside to Downtown San Diego Commuter Rail System is to provide high quality rail transit service as an alternative to the increasingly congested Interstate 5 Freeway Corridor. The Oceanside to Downtown San Diego Commuter Rail System includes a commuter rail station in the Solana Beach area. The Solana Beach Transit Station is located east of the railroad right-of-way (ROW) and north of Lomas Santa Fe Drive and would be served by the proposed project.

The proposed grade separation project would provide separation between the various modes of transportation currently utilizing the railroad crossing area

(i.e., trains, vehicles, bicycles, and pedestrians). The proposed grade separation would facilitate the efficient operations of the commuter rail system by avoiding vehicle delays at the railroad crossing and eliminating potential conflicts between various modes of transportation. In addition, the proposed grade separation would enhance the operation of all transportation modes at the Lomas Santa Fe Drive rail crossing location.

The proposed grade separation project would replace the existing at-grade crossing of the tracks at Lomas Santa Fe Drive by the lowering of the railroad tracks and construction of a bridge overpass and the construction of related passenger station improvements, which includes construction of a pedestrian overcrossing.

Lomas Santa Fe Drive functions as a major east/west arterial street serving the City of Solana Beach and is an integral part of the master plan of development in and adjacent to the City of Solana Beach.

NSDCTDB 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), NSDCTDB approved the project on July 6, 1995 as Resolution No. 95-05. On July 25, 1995, 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 EIR and Notice of Determination. The sites of the proposed grade separation crossings have been inspected in the field and the proposed plans have been reviewed by the Commission's Rail Safety And Carriers Division (RSAC), Rail Crossing 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 relates to the construction of public highways across railroad tracks. Detailed drawings of the proposed construction are included as appendices to this order.

NSDCTDB, in order to meet Federal and State funding schedules, wishes to commence construction of a vehicular overcrossing and a pedestrian overcrossing 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.

In Resolution ALJ 176-2998 dated August 6, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety And Carriers Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-2998.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on July 24, 1998. No protests have been filed. A public hearing is not necessary.

2. NSDCTDB requests authority under Public Utilities Code Sections 1201 - 1205 to construct a vehicular overcrossing and a pedestrian overcrossing above NSDCTDB's tracks, in Solana Beach, San Diego County.

3. Public convenience, necessity and safety require construction of the proposed vehicular and pedestrian overcrossings.

4. In connection with the construction of the grade separation project, it is proposed to construct a temporary detour at-grade crossing to permit the circulation of vehicular traffic until such a time as the Lomas Santa Fe Drive is completed and opened to traffic.

5. Public convenience and necessity require the construction of an interim detour at-grade crossing.

6. Public safety requires that the interim detour at-grade crossing be protected by two Standard No. 9A automatic gate-type signals with cantilevers (General Order (GO) 75-C).

7. Public safety also requires that the interim detour at-grade crossing be removed upon completion of the Lomas Santa Fe Drive grade separation.

8. Public convenience and necessity also requires the construction of two at-grade emergency pedestrian crossings, located at the north and south ends of the passenger platforms, to be used only when the elevators that serve the platforms are out of service.

9. NSDCTDB is the lead agency for this project under CEQA, as amended.

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

11. The Commission staff recommends that the application be granted.

Conclusion of Law

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

2. The usual 30-day effective date on an order should be waived as

NSDCTDB wishes to commence construction of the project at the earliest possible date, to meet Federal and State funding schedules.

ORDER

IT IS ORDERED that:

1. North San Diego County Transit Development Board (NSDCTDB) is authorized to construct a vehicular overcrossing and a pedestrian overcrossing above the main line tracks of the NSDCTDB, identified as Crossing No. 106-241.80-A and 106-241.70-AD respectively, in Solana Beach, San Diego County, at the location and substantially as shown by plans attached to the application and this order.
2. NSDCTDB is authorized to construct a temporary detour at-grade crossing .
3. Protection at the interim detour at-grade crossing shall be two Standard No. 9A automatic gate-type signals with cantilevers (General Order (GO) 75-C).
4. Protection at each pedestrian emergency at-grade crossing shall be a remote controlled gate.
5. Upon completion of the grade separation structure, NSDCTDB shall remove and close the interim at-grade crossing.
6. Walkways shall conform to GO 118 and clearances shall be in accordance with GO 26-D.
7. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between parties. A copy of the agreement shall be filed with the Commission's Rail Safety And Carriers Division prior to

commencing construction. Should parties fail to agree, the Commission will apportion the costs of the construction and maintenance by further order.

8. Final construction plans, approved by the City of Solana Beach, shall be filed by NSDCTDB with Rail Safety And Carriers Division prior to commencing construction.

9. Within 30 days after completion of the work under this order, NSDCTDB shall notify the Commission's Rail Safety And Carriers Division in writing that the authorized work has been completed.

10. This authorization shall expire if not exercised within three (3) 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.

11. This application is granted as set forth above.

12. Application 98-07-042 is closed.

This order is effective today.

Dated September 17, 1998, at San Francisco, California.

RICHARD A. BILAS

President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners





