

Mailed: August 6, 1999

Decision 99-08-012 August 5, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of the)
 San Diego Metropolitan Transit)
 Development Board And City of Santee)
 for an order authorizing construction of)
 two at-grade crossings and one at-grade)
 pedestrian crossing on one light rail vehicle)
 track at Santee Trolley Square Center)
 Development in the City of Santee,)
 San Diego County, California)
 _____)

Application 99-02-033
 (Filed February 24, 1999)

OPINION

San Diego Metropolitan Transit Development Board (MTDB) and City of Santee (City) request authority to construct two at-grade vehicular crossings and one at-grade pedestrian crossing across the tracks of the MTDB's Orange Line (Santee Extension Segment), in the City of Santee, San Diego County.

The Santee Trolley Square Master Plan Development was adopted in July 1992 as a commercial and civic pedestrian mall focused around the San Diego Trolley. It represents the hub of Santee's 700-acre Town Center Specific Plan Area.

The Santee site consists of approximately 50 acres of land. The proposed site plan is a commercial center that will be anchored by a 20 screen megaplex theater. Approximately 3,300 total seats will be provided in the theater complex. The commercial/retail component of the project includes six major tenant stores ranging from 20,000 to 35,000 square feet in size and 10 small-pad retail buildings

ranging in size from 4,700 to 12,500 square feet. The 10 small retail buildings will contain a number of mid-sized specialty stores with a variety of smaller tenants. Additionally, five restaurants ranging in size from 5,668 to 7,258 square feet for a total of 33,586 square feet are provided throughout the project site. A two-story, 30,000 square foot public library is also proposed in the northeastern portion of the project site.

The proposed project site is located at the northeast corner of Mission George Road and Cuyamaca Street within the southeast quadrant of the Santee Town Center Specific Plan. The Santee Trolley Square Transit Center provides a trolley station and parking area for the East County trolley line as well as bus service to the site.

The proposed at-grade crossings are essential to the development of Santee's 700-acre Town Center Specific Plan Area and the future economic viability of the Santee community. The Town Center Specific Plan includes residential development, which will increase residential uses in the central portion of Santee. In addition, the development of commercial, office, business, and institutional land uses would increase employment opportunities for the Santee residents.

A report entitled, "Trolley Square Track Crossings, Traffic Assessment," was prepared by traffic engineer consultant Linscott, Law & Greenspan Engineers for the City of Santee, dated December 1998, and excerpts from the study are summarized within the instant application. The study focused on traffic circulation throughout the proposed project site and the following alternatives: (1) No Grade Crossing; (2) Grade Separation; and (3) Raising or Lowering Track Grades. Each of the alternatives were studied and determined to be not feasible

due to constraints with roadway geometric design standards, significant traffic impacts, street relocation, flood levels, and adverse impacts to traffic circulation.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code 21000, et. seq. On October 30, 1986, a Notice of Determination was filed with the San Diego County Clerk which found that "The project will have an adverse effect on the environment." An Environmental Impact Report (EIR) was prepared for this project pursuant the provisions of CEQA. Mitigation measures were adopted for this project which will reduce the environmental impact to acceptable levels. None of the environmental impact problems are associated with the proposed at-grade crossings.

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 at-grade 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 Crossings 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.

MTDB and City, in order to meet Federal and State funding schedules, wish to commence construction of the at-grade crossings 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 176-3011 dated March 4, 1999, 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 176-3011.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU Code Section 311 (g) (2), the otherwise applicable 30-day period for public review and comments is being waived.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on March 4, 1999. No protests have been filed. A public hearing is not necessary.
2. MTDB and City request authority under Public Utilities Code Sections 1201 - 1205 to construct two at-grade vehicular crossings and one at-grade pedestrian crossing across MTDB's tracks, in Santee, San Diego County.
3. Public safety requires that protection at the at-grade crossing, 36D-20.35 (South) shall be traffic signals with standard railroad warning devices attached to the traffic signal mast, as indicated by drawings on pages 3 and 6 of Appendix A of this order.
4. Public safety also requires that protection at the at-grade crossing, 36D-20.42 (North) shall be traffic signals with standard railroad warning devices attached to the traffic signal mast, as indicated by drawings on pages 4 and 6 of Appendix A of this order.

5. Public safety likewise requires that protection at the at-grade pedestrian crossing, 36D-20.38-D shall be traffic signals with standard railroad warning devices attached to the traffic signal mast, as indicated by drawings on pages 5 and 7 of Appendix A of this order.

6. City is the lead agency for this project under CEQA, as amended.

7. 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

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 MTDB and City wish to commence construction of the project at the earliest possible date, to meet Federal and State funding schedules.

3. Public convenience and necessity require construction of the proposed at-grade crossings.

ORDER

IT IS ORDERED that:

1. San Diego Metropolitan Transit Development Board (MTDB) and City of Santee (City) are authorized to construct two at-grade vehicular crossings, identified as Crossing No. 36D-20.35 (South) and 36D-20.42 (North), and one at-grade pedestrian crossing, identified as Crossing No. 36D-20.38-D, across the tracks of the MTDB's Orange Line (Santee Segment), in Santee, San Diego County, at the location and substantially as shown by plans attached to the application and this order.

2. Clearances and Walkways shall conform to General Order (GO) 143.
3. Construction of the at-grade crossings shall be equal or superior to Standard No. 6 rubber panels of GO 72-B. Maintenance of the crossing shall conform to GO 72-B.
4. Protection at the at-grade crossing, 36D-20.35 (South) shall be traffic signals with standard railroad warning devices attached to the traffic signal mast, as indicated by drawings on pages 3 and 6 of Appendix A of this order.
5. Protection at the at-grade crossing, 36D-20.42 (North) shall be traffic signals with standard railroad warning devices attached to the traffic signal mast, as indicated by drawings on pages 4 and 6 of Appendix A of this order.
6. Protection at the at-grade pedestrian crossing, 36D-20.38-D shall be traffic signals with standard railroad warning devices attached to the traffic signal mast, as indicated by drawings on pages 5 and 7 of Appendix A of this order.
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. City shall file final construction plans, approved by MTDB, with the Rail Safety And Carriers Division prior to commencing construction.
9. Within 30 days after completion of the work under this order, City 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 two (2) 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.

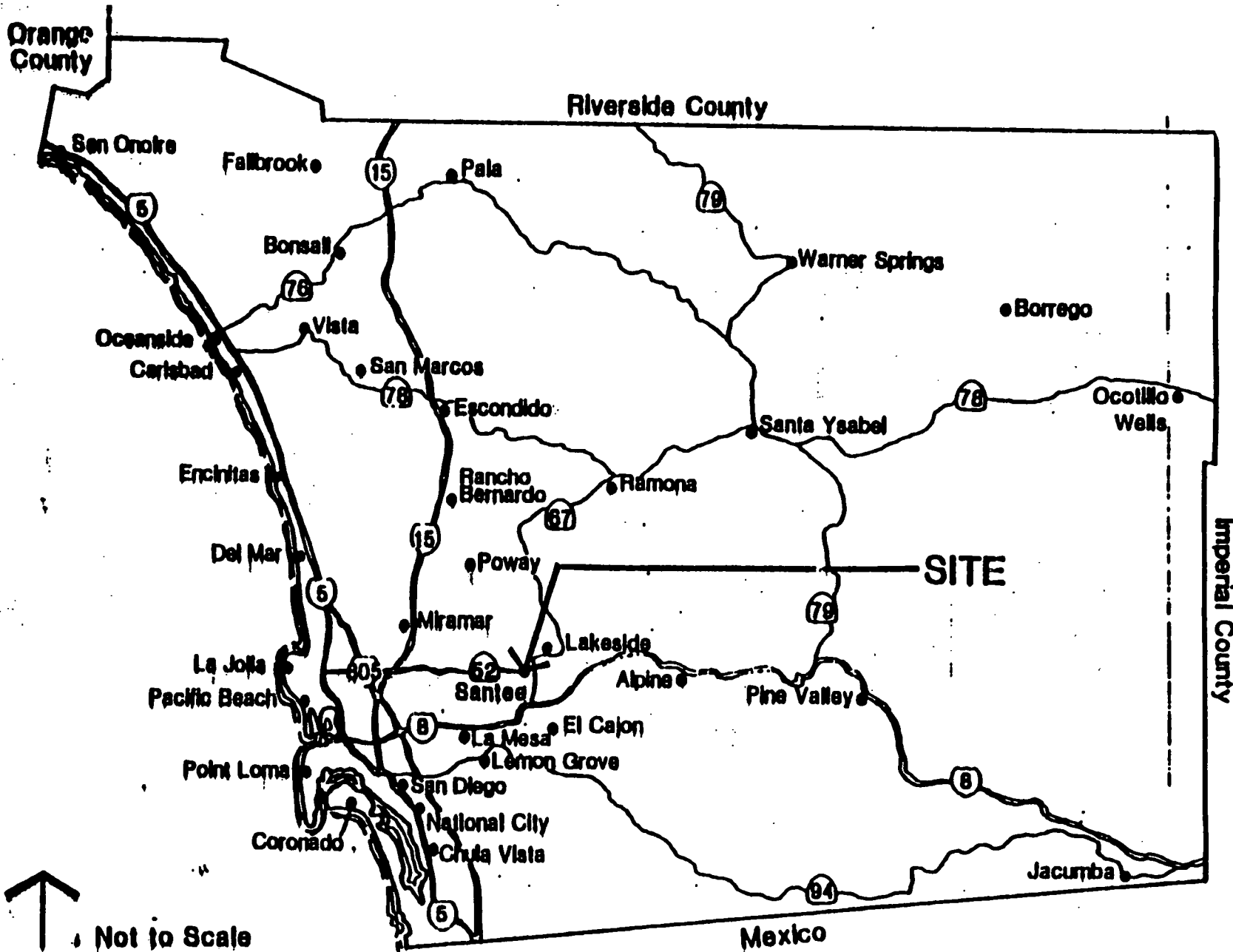
11. This application is granted as set forth above.
12. Application 99-02-033 is closed.

This order is effective today.

Dated August 5, 1999 at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
JOEL Z. HYATT
CARL W. WOOD
Commissioners

PROJECT LOCATION,



PROPOSED CROSSING
36D-20.42

PROPOSED CROSSING
36D-20.35

PROPOSED PED. CROSSING
36D-20.38-D

**SANTEE TOWN
CENTER STATION**

MISSION GORGE

CUYAMACA RD

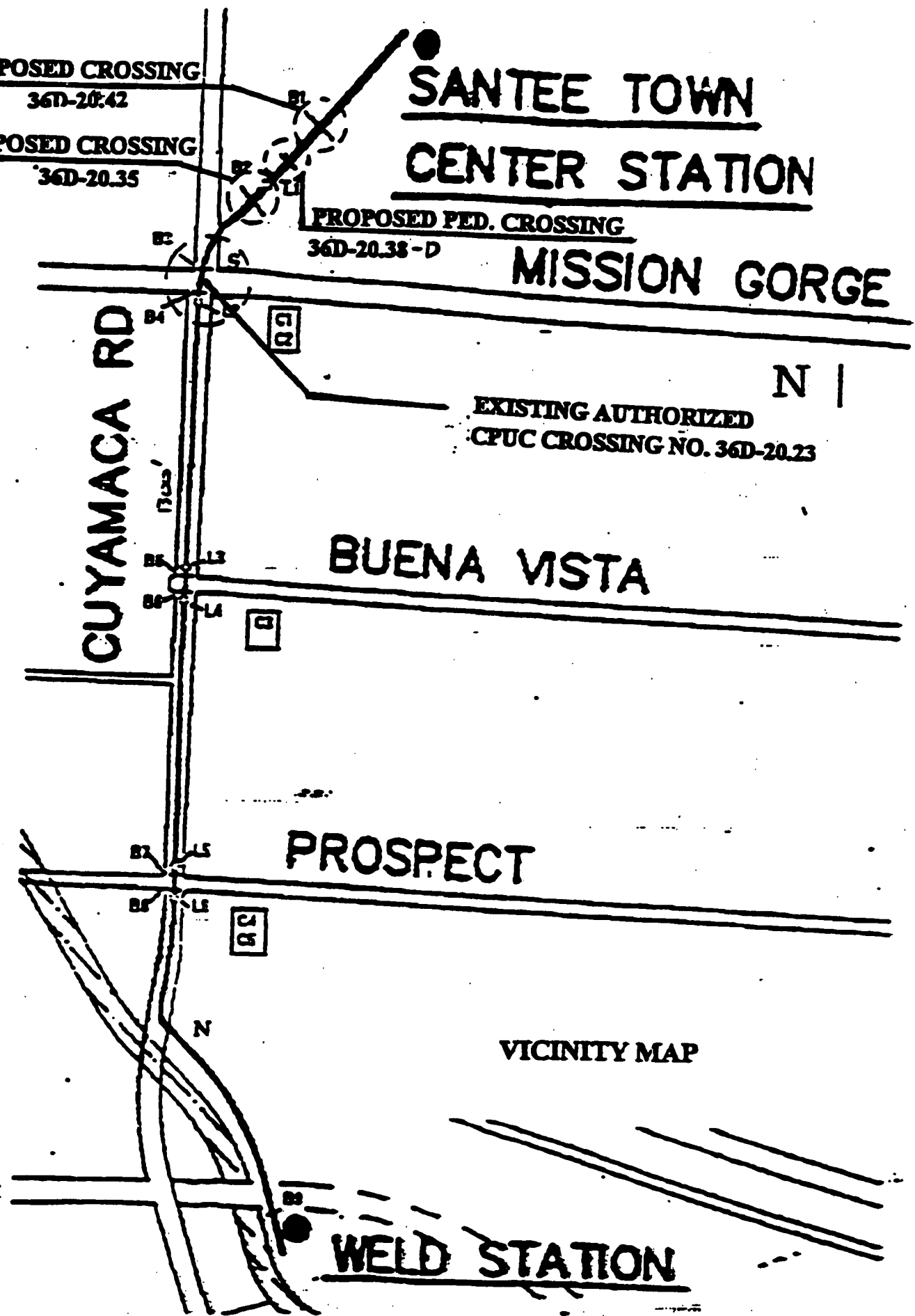
EXISTING AUTHORIZED
CPUC CROSSING NO. 36D-20.23

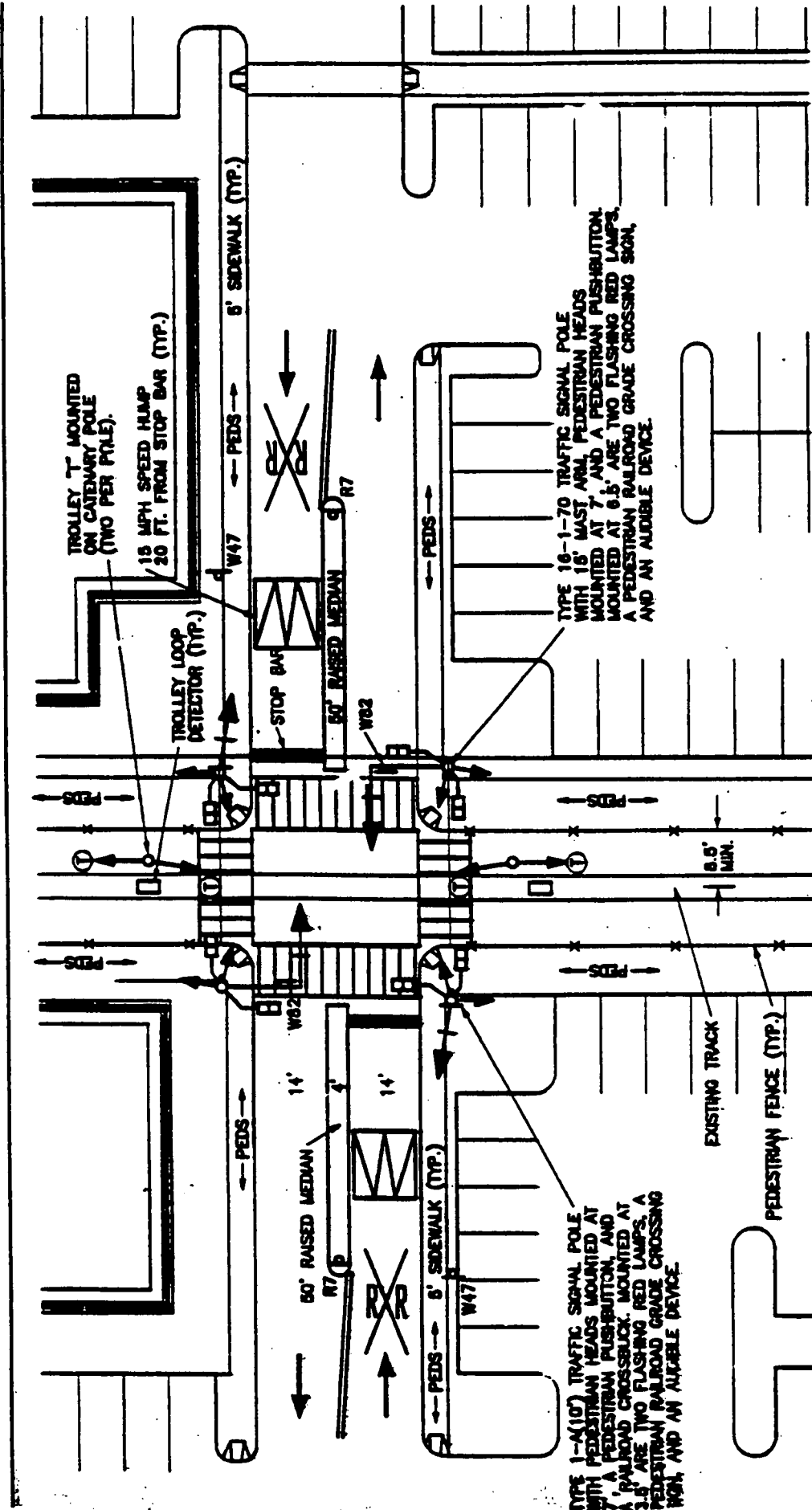
BUENA VISTA

PROSPECT

VICINITY MAP

WELD STATION

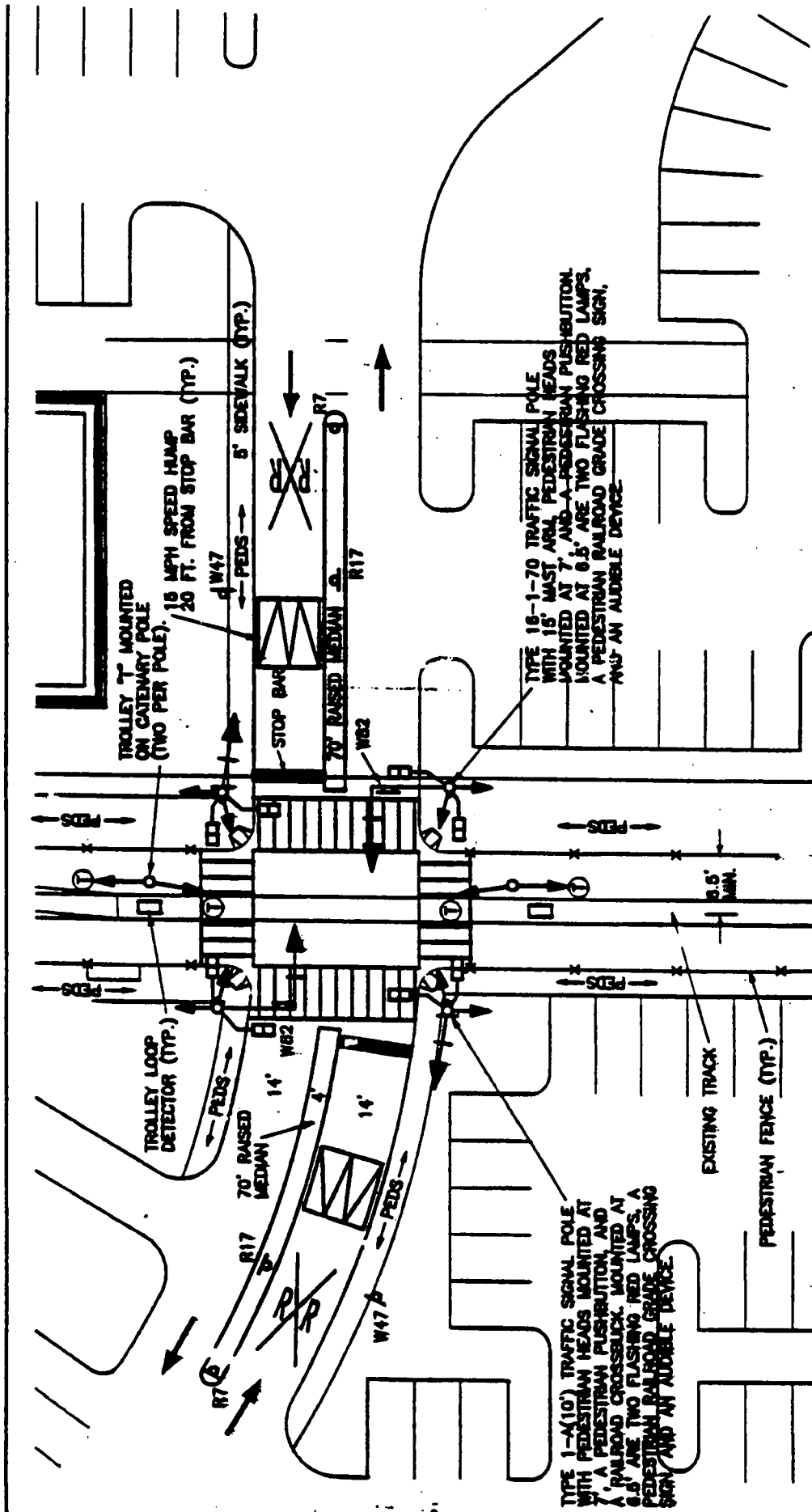




CPUC No. 96D-20.35

SOUTH VEHICLE/PEDESTRIAN TROLLEY CROSSING

SANTEE TROLLEY SQUARE



TROLLEY T MOUNTED ON CATENARY POLE (TWO PER POLE). 15 MPH SPEED HUMP 20 FT. FROM STOP BAR (TYP.)

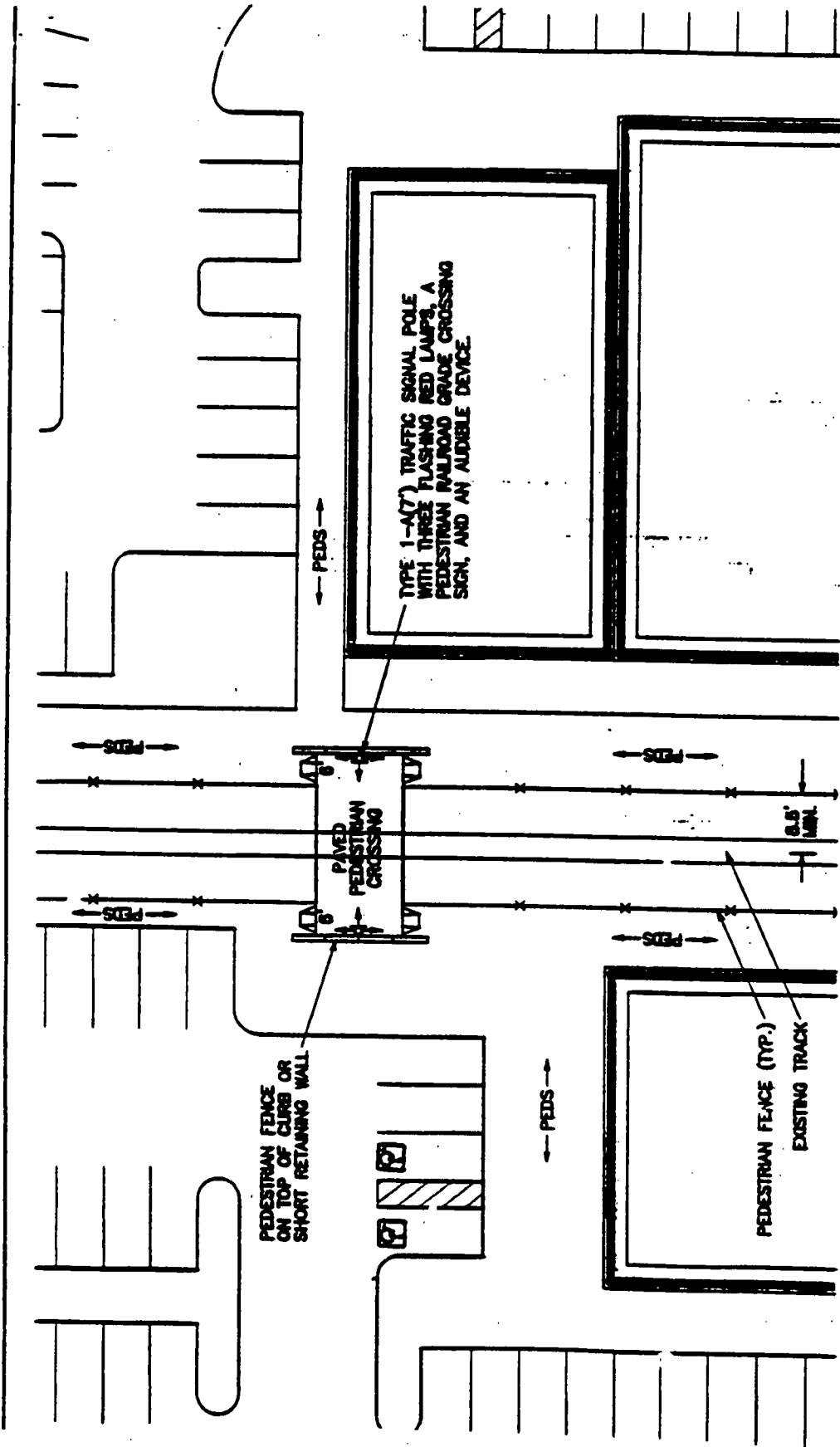
TYPE 18-1-70 TRAFFIC SIGNAL POLE WITH 15" MUST ARM, PEDESTRIAN HEADS MOUNTED AT 7', AND A PEDESTRIAN PUSHBUTTON MOUNTED AT 8.5'. ARE TWO FLASHING RED LAMPS, A PEDESTRIAN RAILROAD GRADE CROSSING SIGN, AND AN AUDIBLE DEVICE.

TYPE 1-4(10') TRAFFIC SIGNAL POLE WITH PEDESTRIAN HEADS MOUNTED AT 7', A PEDESTRIAN PUSHBUTTON, AND A RAILROAD CROSSBUCK MOUNTED AT 8.5'. ARE TWO FLASHING RED LAMPS, A PEDESTRIAN RAILROAD GRADE CROSSING SIGN, AND AN AUDIBLE DEVICE.

CPUC No. 36D-2042

NORTH VEHICLE/PEDESTRIAN TROLLEY CROSSING

SANTEE TROLLEY SQUARE



PEDESTRIAN CROSSING

SANTEE TROLLEY SQUARE

CPUC No. 98D-20.38-D

