

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA



**FILED**

01-19-10  
04:59 PM

Application of the San Diego Unified Port District to convert an existing at-grade private crossing into an at-grade crossing for a public road over the tracks of San Diego & Arizona Eastern Railway Company and the San Diego Metropolitan Transit System (MTS) in the City of Chula Vista, County of San Diego, California

**A1001018**

Application No. \_\_\_\_\_

APPLICATION

The San Diego Unified Port District (Port), herein sometimes referred to as Applicant," respectfully requests authority from this Commission to convert an existing at-grade private crossing into an at-grade crossing for a public road over the tracks of the Coronado Branch line of the San Diego & Arizona Eastern Railway Company and the San Diego Metropolitan Transit System..

The Public Utilities Commission (PUC) crossing number, 036C-7.78 is proposed by the Port.

In support of its request, the Port represents as follows:

**I.**

Correspondence relative to this Application should be addressed to:

Mr. Yeshi Mulugeta  
San Diego Unified Port District  
3165 Pacific Highway  
San Diego, CA 92101  
Telephone No. (619) 686-6250  
Fax No. (619) 686-6354

Copies of all such correspondence should also be addressed to:

Mr. Kevin Gibson, P.E.  
Rick Engineering Company  
Civil Engineering Consultant to the San Diego Unified Port District  
5620 Friars Road  
San Diego, California 92110  
Telephone No. (619) 291-0707  
Fax No. (619) 291-4165

## II.

The authorization sought in this application is made pursuant to Section 1201 through 1205, inclusive, of the California Public Utilities Code, and in accordance with Rule 3.7 of the Commission's Rules of Practice and Procedure.

## III.

### 1. General Information

The Port proposes to construct a public roadway ("H" Street) that will cross the railroad tracks of the Coronado branch line, which is owned by the Metropolitan Transit System (MTS) approximately 0.50 miles north of the rail crossing at "J" Street (PUC Crossing Number 036C-8.47 and US DOT Crossing Number 661818V). The existing track, previously operated by San Diego and Eastern Arizona Railway Company, is currently inactive. An existing private at-grade crossing (U.S. DOT crossing number 662076H) currently exists at this location. The Port proposes to convert this private crossing to a public at-grade crossing. The proposed PUC Crossing Number for this proposed crossing is: 036C-7.78 in the County of San Diego. See Exhibit "A" for a Vicinity Map.

### 2. Specific Information – At-Grade Crossing

- A. In March of 1959, a private roadway agreement was enacted between San Diego and Arizona Eastern Railway Company and Rohr Aircraft Corporation to establish a 65' wide private at-grade crossing of the railroad tracks at milepost 778 (U.S. DOT crossing number 662076H). At this time, the Port is requesting to convert this existing private at-grade crossing to a 104' wide at-grade crossing to allow for the proposed extension of "H" Street as a part of the Chula Vista Bayfront Development.

The extension of "H" street, from Interstate 5 west to Marina Parkway, is required to provide traffic circulation for the Chula Vista Bayfront Development. In the Final EIR for the Chula Vista Business Park Expansion and Port Master Plan Amendment, it was stated that the extension of "H" Street in the buildout

condition “would ease impacts to the substandard portion of Marina Parkway between G Street and Lagoon Drive and would eliminate impacts to Bay Boulevard between E and F Street, as well as eliminate impacts to the intersection of F Street at Bay Boulevard.” Per the Final EIR, the extension of “H” Street in the buildout condition would serve a traffic volume of 7,100 ADT. The proposed 107’ right-of-way width of “H” street will include vehicular travel lanes, a sidewalk on each side of the street, landscaping and irrigation.

- B. A plan and profile of the proposed crossing is shown on Exhibit “B”. The proposed width of the crossing is 107 ft. The proposed cross-section of the crossing consists of AC pavement from the existing ballast to the top of the existing tracks.

A grade separation crossing of H Street over the existing tracks would not be geometrically possible at this location based upon the following constraints:

- Existing fixed elevations and street slopes of H Street at the intersections of Bay Boulevard and the I-5 Bridge.
- The ability to lower the tracks or street is limited, due to the high ground water elevation related to the nearby sea level.
- Impacts to the adjacent Goodrich property including vehicular and pedestrian access.

In addition to the above constraints, it should also be noted that the existing tracks in question are currently inactive.

- C. No railroad operations will be disrupted during the installation of the crossing as the Coronado Branch line is currently inactive.
- D. The nearest railroad crossing to the South (centerline to centerline) is a public at-grade crossing located approximately 0.50 miles away at “J” Street (PUC No. 036C-8.47, DOT Crossing number 661818V, milepost 847). The nearest crossing to the North of the proposed crossing is a Public At-Grade crossing located

approximately 0.50 miles away at “F” Street (PUC No. 036C-7.40, DOT Crossing Number 661816G, milepost 740). The location of the public crossing at “F” and “J” Street is shown on Exhibit “A”.

#### **IV.**

Attached hereto as Exhibit “A” is a general vicinity map indicating the relation of the proposed Public Roadway crossing to existing roads and tracks.

#### **V.**

The point of the centerline crossing of the proposed Public Roadway and the existing railway tracks of the Coronado Branch line is approximately 315-feet west of Bay Boulevard, following along the centerline of the extension of “H” street at milepost 778. N=1809586.70, E=6300706.63

#### **VI.**

The proposed crossing, as a component of the Chula Vista Bayfront Project, will serve the general public’s need by providing vehicular, pedestrian and bicycle circulation for the Chula Vista Bayfront.

#### **VII.**

Attached hereto as Exhibit “B” is the plan drawing indicating the accurate location of the MTS rails and the proposed “H” Street extension as it crosses the railroad. Also included in Exhibit “B” is the profile of the roadway as it crosses the tracks.

#### **VIII.**

The crossing of the MTS tracks is at proposed PUC No. 036C-7.78 in the County of San Diego, as shown on Exhibit “A”.

**IX.**

Attached hereto as Exhibit "C" is the required Scoping Memo.

**X.**

Attached hereto as Exhibit "D" is the required Certification of Mailing.

**XI.**

Pursuant to the Notice of Determination signed and filed in the Office of the County of San Diego Clerk on October 8, 1997, the proposed crossing is located in an area where mitigation measures were made a condition of the approval of the project. This Notice of Determination is attached hereto as Exhibit "E".

**XII.**

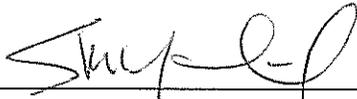
WHEREFORE, San Diego Unified Port District respectfully requests that:

1. The Public Utilities Commission of the State of California issues its Order Pursuant to the provision of Sections 1201-1205, inclusive, of the California Public Utilities Code, Rule 40, authorizing the construction of the said at-grade and related work as set forth above.
2. The Order provides twenty-four (24) months from the date of such Order within which to complete the work requested.

Dated at San Diego, California, County of San Diego, this 12<sup>th</sup> day of January, 2010.

SAN DIEGO UNIFIED PORT DISTRICT

By: \_\_\_\_\_

  
Stephen Kirkpatrick, P.E.

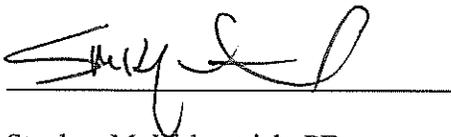
Port Chief Engineer

VERIFICATION

I am an officer of the San Diego Unified Port District (Port), applicant herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true to the best of my knowledge, except as to the matters that are therein stated on information and belief, and to those matters I believe them to be true.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 22<sup>nd</sup> day of January, 2010, at San Diego, California.

A handwritten signature in black ink, appearing to read "Stephen M. Kirkpatrick", is written over a horizontal line.

Stephen M. Kirkpatrick, PE

RCE #53367 Exp Date 06/11/11



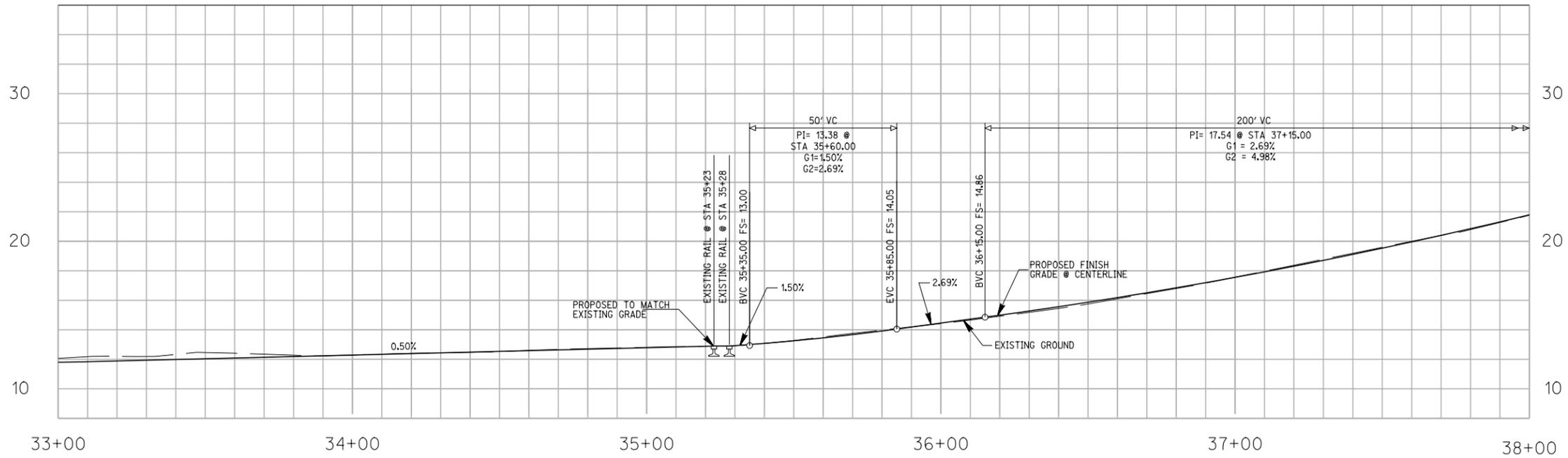
**San Diego Unified Port District - "H" Street Extension**

**EXHIBIT "A"**

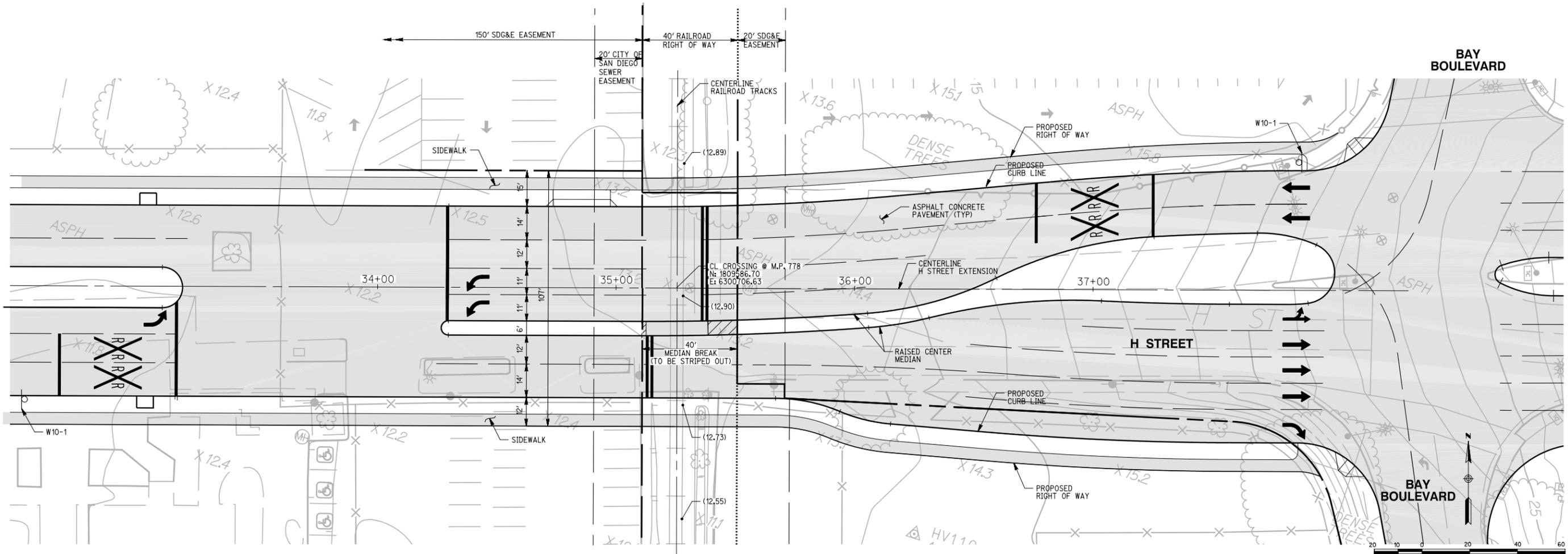
Filepath: J:\16182\GIS\H\_St\_VicinityMap.mxd  
 Exhibit Date: 12/7/09  
 REC JN: 16182C



Data Sources:  
 SanGIS Assessor Parcels: N/A  
 SanGIS Roads - October 2009  
 Eagle Aerial Photo: March 2009



CROSSING PROFILE



CROSSING PLAN

GRAPHIC SCALE 1" = 20'

ALL RIGHTS RESERVED BY THE ENGINEER. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

**RICK**  
 ENGINEERING COMPANY  
 5620 FRIARS ROAD  
 SAN DIEGO, CA 92110  
 619.291.0707  
 (FAX) 619.291.4165

NO.	REVISIONS	DATE	APPROVED



San Diego Unified  
 Port District  
 San Diego • California



DESIGNED  
 T.C. SCHEG  
 DRAWN  
 F. NARVAEZ  
 CHECKED  
 KRG

CHULA VISTA, CALIFORNIA  
 EXHIBIT B - H STREET EXTENSION

* DATUM *	
MEAN LOWER LOW WATER	
DATE	3 DEC 2009
SHEET	OF TBD
DRAWING NO.	1588
REV.	

EXHIBIT "C"

Scoping Memo Information for Applications

A. Category <sup>1</sup>(Check the category that is most appropriate)

**Adjudicatory** – “Adjudicatory” proceedings are: (1) enforcement investigations into possible violations of any provision of statutory law or order or rule of the Commission; and (2) complaints against regulated entities, including those complaints that challenge the accuracy of a bill, but excluding those complaints that challenge the reasonableness of rates or charges, past, present, or future, such as **formal rough crossing complaints** (maximum 12 month process if hearings are required).

**Ratesetting** – “Ratesetting” proceedings are proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities), or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities). “Ratesetting” proceedings include complaints that challenge the reasonableness of rates or charges, past, present, or future. Other proceedings may also be categorized as ratesetting when they do not clearly fit into one category, such as **railroad crossing applications** (maximum 18 month process if hearings are required).

**Quasi-legislative** - “Quasi-legislative” proceedings are proceedings that establish policy or rules (including generic ratemaking policy or rules) affecting a class of regulated entities, including those proceedings in which the Commission investigates rates or practices for an entire regulated industry or class of entities within the industry.

B. Are hearings necessary?  Yes  No

If yes, identify the material disputed factual issues on which hearings should be held, and the general nature of the evidence to be introduced. Railroad crossing applications which are not controversial usually do not require hearings.

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<sup>1</sup> See California Public Utilities Commission Rule of Practice and Procedure, Article 2.5, especially Rules 5 and 6a, which appear on the Commission’s internet page ([www.cpuc.ca.gov](http://www.cpuc.ca.gov)) under the heading “CPUC General Information, Rules of Practice and Procedure.” For information on rail crossing applications see the Commission’s Traffic Engineering Web Page ([http://www.cpuc.ca.gov/s\\_e\\_LARail/index.htm](http://www.cpuc.ca.gov/s_e_LARail/index.htm)).

Are public witness hearings necessary?

Yes                       No

Public witness hearings are set up for the purpose of getting input from the general public and any entity that will not be a party to the proceeding. Such input usually involves presenting written or oral statements to the presiding officer, not sworn testimony. Public witness statements are not subject to cross-examination.

**C. Issues** – List here the specific issues that need to be addressed in the proceeding.

**All issues have been worked out before the filing of this application. There are no objections or issues to be worked out that the applicant is aware of.**

D. Schedule (Even if you checked “No” in B above) Should the Commission decide to hold hearings, indicate here the proposed schedule for completing the proceeding within 12 month (if categorized as adjudicatory) or 18 months (if categorized as ratesetting or quasi-legislative).

The schedule should include proposed dates for the following events as needed:

- 02-02-10 Prehearing conference
- 03-02-10 Hearings
- 05-02-10 Briefs due
- 06-02-10 Submission
- 09-02-10 Proposed decision (90 days after submission)
- 11-02-10 Final decision (60 days after proposed decision is mailed)

**EXHIBIT "D"**

**Certification of Mailing**

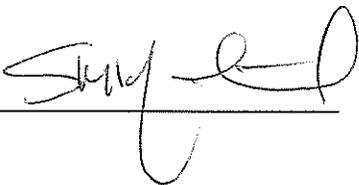
**TO: PUBLIC UTILITIES COMMISSION**

**RE: Application by the San Diego Unified Port District for an order authorizing the construction of a Public at-grade crossing of the tracks of the Metropolitan Transit System (MTS) 0.50 miles north of the existing crossing of "J" Street in Chula Vista, San Diego County, California.**

**On the 12<sup>th</sup> day of January, 2010, I certify that a copy of the foregoing Application was delivered to the U.S. POSTAL SERVICE for service upon:**

Mr. Tim Allison Metropolitan Transit System Real Estate Assets Manager 1255 Imperial Avenue, Suite 900 San Diego, CA 92101	Mr. Matt Domen San Diego & Arizona Eastern Railway Company Trainmaster 1501 National Avenue, Suite 200 San Diego, CA 92113
Ms. Lesley Nishihira Port of San Diego Associate Redevelopment Planner 3165 Pacific Highway San Diego, CA 92101	Ms. Kathy Babcock San Diego Gas & Electric Land Management Representative 8335 Century Park Ct, Suite 100 San Diego, CA 92123
Frank Rivera City of Chula Vista Principal Civil Engineer 276 4 <sup>th</sup> Avenue Chula Vista, CA 91910	

SAN DIEGO UNIFIED PORT DISTRICT

  
\_\_\_\_\_

970441

Notice of Determination

Appendix H

To: X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814
County Clerk
County of San Diego, Records Division
1600 Pacific Highway, Room 260
San Diego CA 92101

From: (Public Agency) San Diego Unified Port District
P.O. Box 488, San Diego CA 92112
Gregory J. Smith, Recorder/County Clerk

OCT 08 1997



BY DEPUTY

Subject:

Filing of Notice of Determination In compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title Chula Vista Business Park Expansion and Port Master Plan Amendment EIR

#96101030 Ralph T. Hicks (619) 686-6435
State Clearinghouse Number Lead Agency Area Code/Telephone/Extension
(If submitted to Clearinghouse) Contact Person

Project Location Chula Vista, San Diego
(include county)

Project Description: Amend Port Master Plan by revising the definition of Industrial Business Park to permit a wider range of uses and by changing the land use classification of certain vacant and underutilized properties in Planning District 7, the Chula Vista Bayfront, from Marine Related Industrial and Aviation Related Industrial to Industrial Business Park.

This is to advise that the San Diego Unified Port District has approved the above described project on October 7, 1997 and has made the following determinations regarding the above described project
(Lead Agency Responsible Agency)
(Date)

- 1. The project [ ] will [x] will not have a significant effect on the environment.
2. [x] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
[ ] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [x] were [ ] were not made a condition of the approval of the project.
4. A statement of Overriding Considerations [x] was [ ] was not adopted for this project.
5. Findings [x] were [ ] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at San Diego Unified Port District 3165 Pacific Highway San Diego California

Ralph T. Hicks October 7, 1997 Director, Planning &
nature (Public Agency) Date Title Environmental Management

received for filing at OPR:

EXHIBIT E

Revised October 1989