

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the North County Transit District to construct a grade-separated overhead bridge structure for the exclusive use of light rail transit, single track crossing over the existing at-grade crossings of Barham Drive, SR-78 and Rancheros Drive in the City of San Marcos, County of San Diego, California.

Application 02-09-012
(Filed September 16, 2002)

Application of the North County Transit District to construct two independent grade-separated Light Rail Transit (LRT) bridge structures crossing over at-grade crossings of Barham Drive, proposed Crossing No. 106E-117.11-B and La Moree Road, proposed Crossing No. 106E-117.22-B in the City of San Marcos, County of San Diego, California.

Application 02-09-028
(Filed September 23, 2002)

Application of the North County Transit District to construct one grade-separated Light Rail Transit (LRT) bridge structure crossing over the existing at-grade crossings of Rancheros Drive, proposed Crossing No. 106E-116.81-B, SR-78, proposed Crossing No. 106E-116.83-B and Carmel Street, proposed Crossing No. 106E-116.86-B in the City of San Marcos, County of San Diego, California.

Application 03-02-031
(Filed February 26, 2003)

OPINION

Summary

North County Transit District (NCTD) requests authority to construct proposed grade-separated highway-rail crossings each over two locations of Barham Drive, State Route (SR) 78, and Rancheros Drive and over one location of La Moree Road and Carmel Street, in San Marcos (City), San Diego County.

Discussion

As part of the project to construct the San Marcos Loop light-rail transit (LRT) tracks of the Oceanside-Escondido Rail Project, NCTD proposes to construct eight grade-separated highway-rail crossings, described as follows:

1. In Application (A.) 02-09-012, NCTD proposes to construct a two-track bridge structure creating the proposed grade-separated highway-rail crossings over Barham Drive (proposed CPUC Crossing No. 106E-118.00-B), SR-78 (proposed CPUC Crossing No. 106E-118.03-B), and Rancheros Drive (proposed CPUC Crossing No. 106E-118.09-B). SR-78 is under the State of California Department of Transportation's jurisdiction. Barham Drive and Rancheros Drive are under City's jurisdiction.
2. In A.02-09-028, NCTD proposes to construct a two-track bridge structure creating the proposed grade-separated highway-rail crossings over Barham Drive (proposed CPUC Crossing No. 106E-117.11-B) and La Moree Road (proposed CPUC Crossing No. 106E-117.22-B). Both roadways are under City's jurisdiction.
3. In A.03-02-031, NCTD proposes to construct a two-track bridge structure creating the proposed grade-separated highway-rail crossings over Rancheros Drive (proposed CPUC Crossing No.

106E-116.81-B), SR-78 (proposed CPUC Crossing No. 106E-116.83-B), and Carmel Street (proposed CPUC Crossing No. 106E-116.86-B). Carmel Street is under City's jurisdiction.

The eight proposed grade-separated highway-rail crossings are part of NCTD's Oceanside to Escondido 22-mile rail project. This rail project consists of partial track realignment and the construction of three sections of passing track each 3.5 miles in length. The existing track system accommodates three round trips of freight rail service each week. The new light rail system will share the rail corridor with the freight rail service. However, freight and light rail service would be completely separate. The proposed grade-separated highway-rail crossings referenced above will carry NCTD's LRT train vehicles over City's roadways referenced above and SR-78. The proposed grade-separated highway-rail crossings consequently will serve the general public by enhancing the safety to the motoring public and train crews and by avoiding time delays associated with at-grade highway-rail crossings to the motoring public.

NCTD filed three applications, A.02-09-012, A.02-09-028, and A.03-02-031, to construct the eight proposed grade-separated highway-rail crossings. Since the proposed grade-separated highway-rail crossings are in the same vicinity, are located along NCTD's San Marcos Loop LRT tracks, and are part of the same project, the three applications involve related questions of fact. Consequently, we will consolidate, pursuant to Rule 55 of the Commission's Rules of Practice and Procedure, the three applications and will prepare one Commission order authorizing construction of the eight proposed grade-separated highway-rail crossings.

North San Diego County Transit Development Board (NSDCTDB) is the lead agency for this project under the California Environmental Quality Act of

1970 (CEQA), as amended in 1982 and as stated in Public Resources (PR) Code Section 21000 et seq. NSDCTDB prepared a Subsequent Final Environmental Impact Report (SEIR) for the project in March 1997. On September 13, 2001, in compliance with PR Code Section 21108 or 21152, NSDCTDB filed a Notice of Determination (NOD) with the San Diego County Clerk. The NOD found that “Implementation of the 100% design plans for the project will not create new significant effects on the environment from those analyzed in the Subsequent Final Environmental Impact Report (SEIR) certified by NSDCTDB in March 1997.” NSDCTDB prepared an Addendum for the project pursuant to the provisions of CEQA. Additional mitigation measures were not made a condition of the approval of the project. A statement of Overriding Considerations was not adopted for this project. A copy of the NOD is included in Appendix C attached to the order.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider the environmental consequences of a project subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency’s Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that a responsible agency must conduct are contained in CEQA Guideline Section 15096.

The Commission has reviewed and considered the lead agency’s NOD. Safety, security, transportation, and noise are within the scope of the Commission’s permitting process. The NOD did not identify environmental impacts related to safety, security, transportation, and noise.

We find that NSDCTDB's environmental documents are adequate for our decision-making purposes. We find that NSDCTDB reasonably concluded that implementation of 100% design plans for the project will not create new significant effects on the environment from those analyzed in the SEIR certified by NSDCTDB in March 1997. Accordingly, we adopt the NOD for purposes of our project approval.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) has inspected the sites of each of the eight proposed grade-separated highway-rail crossings. After reviewing the need for and the safety of the proposed grade-separated highway-rail crossings, RCES recommends that the Commission grant NCTD's requests.

The applications are in compliance with the Commission's filing requirements, including Rule 40 of Rules of Practice and Procedure, which relates to the construction of a railroad track over a public highway. Shown in Appendix B attached to the order are site maps and detailed drawings of the eight proposed grade-separated highway-rail crossings.

NCTD wishes to commence construction of the eight proposed grade-separated highway-rail crossings as soon as possible and requests that the Commission waive the usual 30-day effective date of an order. Therefore, we will make our order effective immediately.

In Resolution ALJ 176-3095, dated September 19, 2002, and published in the Commission Daily Calendar on September 20, 2002; in Resolution ALJ 176-3096, dated October 3, 2002, and published in the Commission Daily Calendar on October 4, 2002; and in Resolution ALJ 176-3109, dated March 13, 2003, and published in the Commission Daily Calendar on March 14, 2003, the Commission preliminarily categorized A.02-09-012, A.02-09-028, and A.03-02-031,

respectively, as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed, these preliminary determinations remain correct. The Commission's Consumer Protection and Safety Division recommends that the applications be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolutions ALJ 176-3095, ALJ 176-3096, and ALJ 176-3109.

These applications are uncontested matters in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), we waive the otherwise applicable 30-day period for public review and comment.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. The Commission published Notices of A.02-09-012, A.02-09-028, and A.03-02-031, respectively, in the Commission Daily Calendar on September 18, 2002; September 25, 2002; and February 28, 2003. There are no unresolved matters or protests; a public hearing is not necessary.
2. NCTD requests authority, under Public Utilities Code Sections 1201-1205, to construct eight grade-separated highway-rail crossings consisting of proposed grade-separated highway-rail crossings each over two locations of Barham Drive, SR-78, and Rancheros Drive and over one location of La Moree Road and Carmel Street of NCTD's San Marcos Loop LRT tracks, in San Marcos, San Diego County.
3. Public convenience, necessity, and safety require construction of the eight grade-separated highway-rail crossings of NCTD's San Marcos Loop LRT tracks.

4. NSDCTDB is the lead agency for this project under CEQA, as amended.
5. NSDCTDB filed a NOD regarding this project and found that implementation of the 100% design plans for the project will not create significant effects on the environment from those analyzed in the SEIR certified by NSDCTDB in March 1997. NSDCTDB prepared an Addendum for the project pursuant to the provisions of CEQA. Additional mitigation measures were not made a condition of the approval of the project. A statement of Overriding Considerations was not adopted for this project.
6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's NOD.
7. Safety, security, transportation, and noise are within the scope of the Commission's permitting process.
8. The lead agency did not identify environmental impacts related to safety, security, transportation, and noise.

Conclusions of Law

1. We consolidate A.02-09-012, A.02-09-028, and A.03-02-031, which involve related questions of fact, for purposes of issuing one decision.
2. We find that NSDCTDB's environmental documents are adequate for our decision-making purposes.
3. We find that NSDCTDB reasonably concluded that implementation of 100% design plans for the project will not create new significant effects on the environment. We adopt the NOD for purposes of our approval.
4. We waive the usual 30-day effective date of an order as NCTD wishes to commence construction of the project at the earliest possible date.
5. We grant consolidated A.02-09-012, A.02-09-028, and A.03-02-031 as set forth in the following order.

O R D E R**IT IS ORDERED** that:

1. The Commission authorizes North County Transit District (NCTD) to construct grade-separated highway-rail crossings over two locations of Barham Drive, State Route 78, and Rancheros Drive and over one location of La Moree Road and Carmel Street of NCTD's San Marcos Loop light-rail transit tracks in the City of San Marcos (City), San Diego County, at the locations and substantially as described in and as shown by plans attached to consolidated Application (A.) 02-09-012, A.02-09-028, and A.03-02-031; as described in Appendix A attached to this order; and as shown by plans in Appendix B attached to this order.
2. Clearances and walkways shall conform to General Order 143-B.
3. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between City, State of California Department of Transportation, and NCTD (parties). NCTD shall file a copy of the agreement with the Rail Crossings Engineering Section (RCES) prior to construction. Should the parties fail to agree, the Commission shall apportion the costs of construction and maintenance by further order.
4. Within 30 days after completion of the work under this order, NCTD shall notify RCES in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work.
5. This authorization shall expire if not exercised within two years unless the Commission extends the time or if the parties do not comply with the above conditions. The Commission may revoke or modify authorization if public convenience, necessity or safety so require.

6. The Commission grants consolidated A.02-09-012, A.02-09-028, and A.03-02-031 as set forth above.

7. Consolidated A.02-09-012, A.02-09-028, and A.03-02-031 are closed.

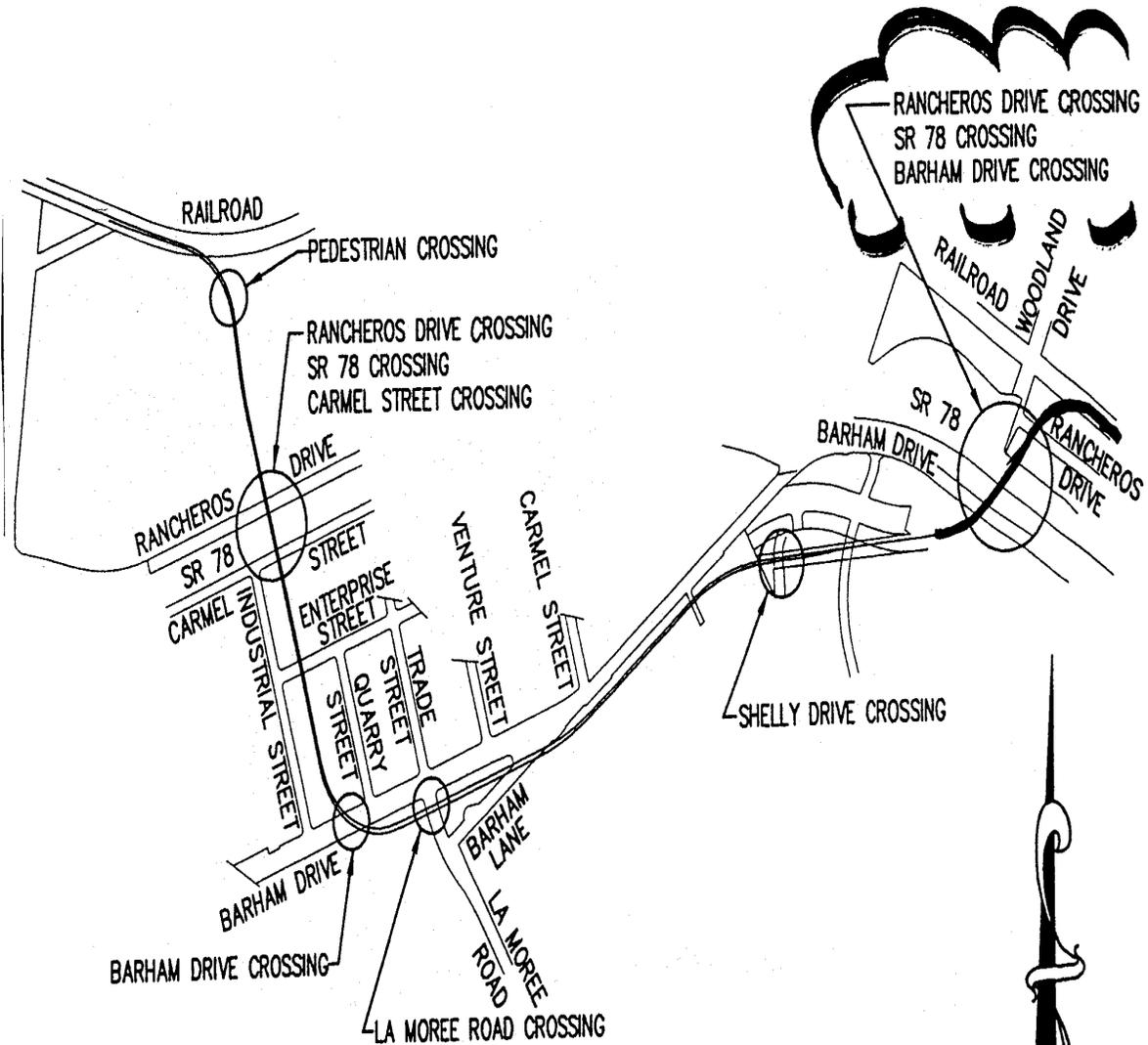
This order is effective today.

Dated _____, at San Francisco, California.

DRAFT**APPENDIX A**

North County Transit District (NCTD) proposes to construct eight grade-separated highway-rail crossings each located over two locations of Barham Drive, State Route (SR) 78, and Rancheros Drive and over one location of La Moree Road and Carmel Street of NCTD's San Marcos Loop light-rail transit tracks of the Oceanside-Escondido Rail Project in the City of San Marcos, San Diego County. Consolidated Application (A.) 02-09-012, A.02-09-028, and A.03-02-031 indicate the full details of the eight proposed grade-separated highway-rail crossings and more particularly as set forth below:

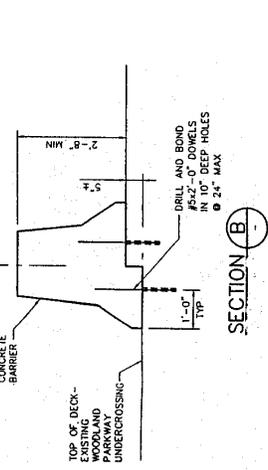
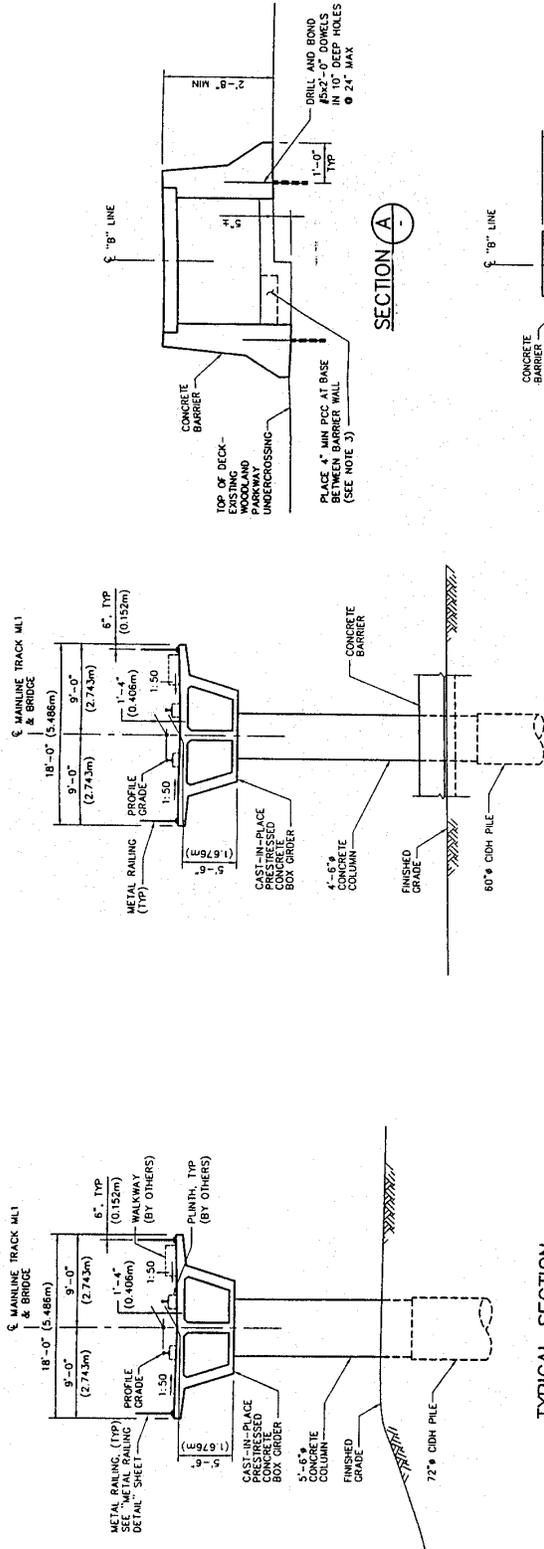
<u>Roadway</u>	<u>CPUC Crossing No.</u>	<u>Application No.</u>
Rancheros Drive	106E-116.81-B	A.03-02-031
State Route (SR) 78	106E-116.83-B	A.03-02-031
Carmel Street	106E-116.86-B	A.03-02-031
Barham Drive	106E-117.11-B	A.02-09-028
La Moree Road	106E-117.22-B	A.02-09-028
Barham Drive	106E-118.00-B	A.02-09-012
SR-78	106E-118.03-B	A.02-09-012
Rancheros Drive	106E-118.09-B	A.02-09-012



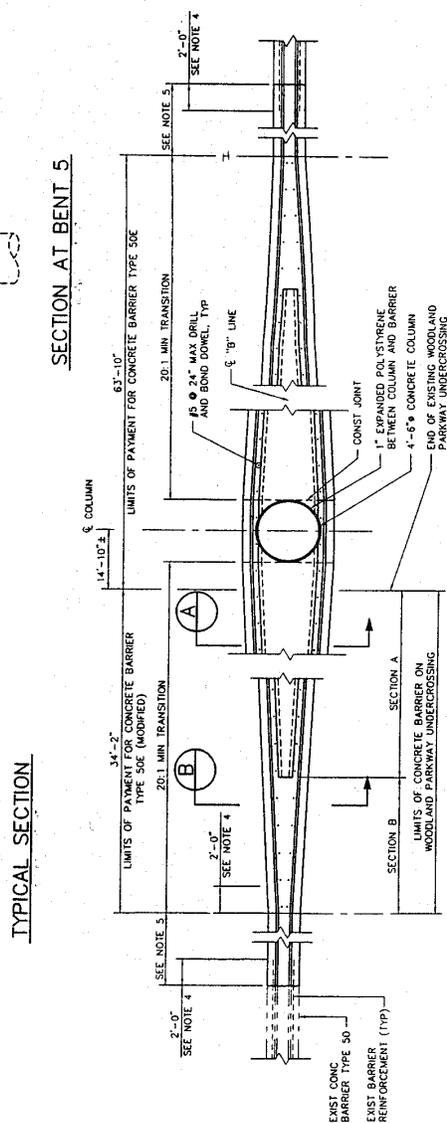
VICINITY MAP

PUC CROSSINGS
OCEANSIDE-ESCONDIDO RAIL PROJECT
SAN MARCOS LOOP

NOT TO SCALE

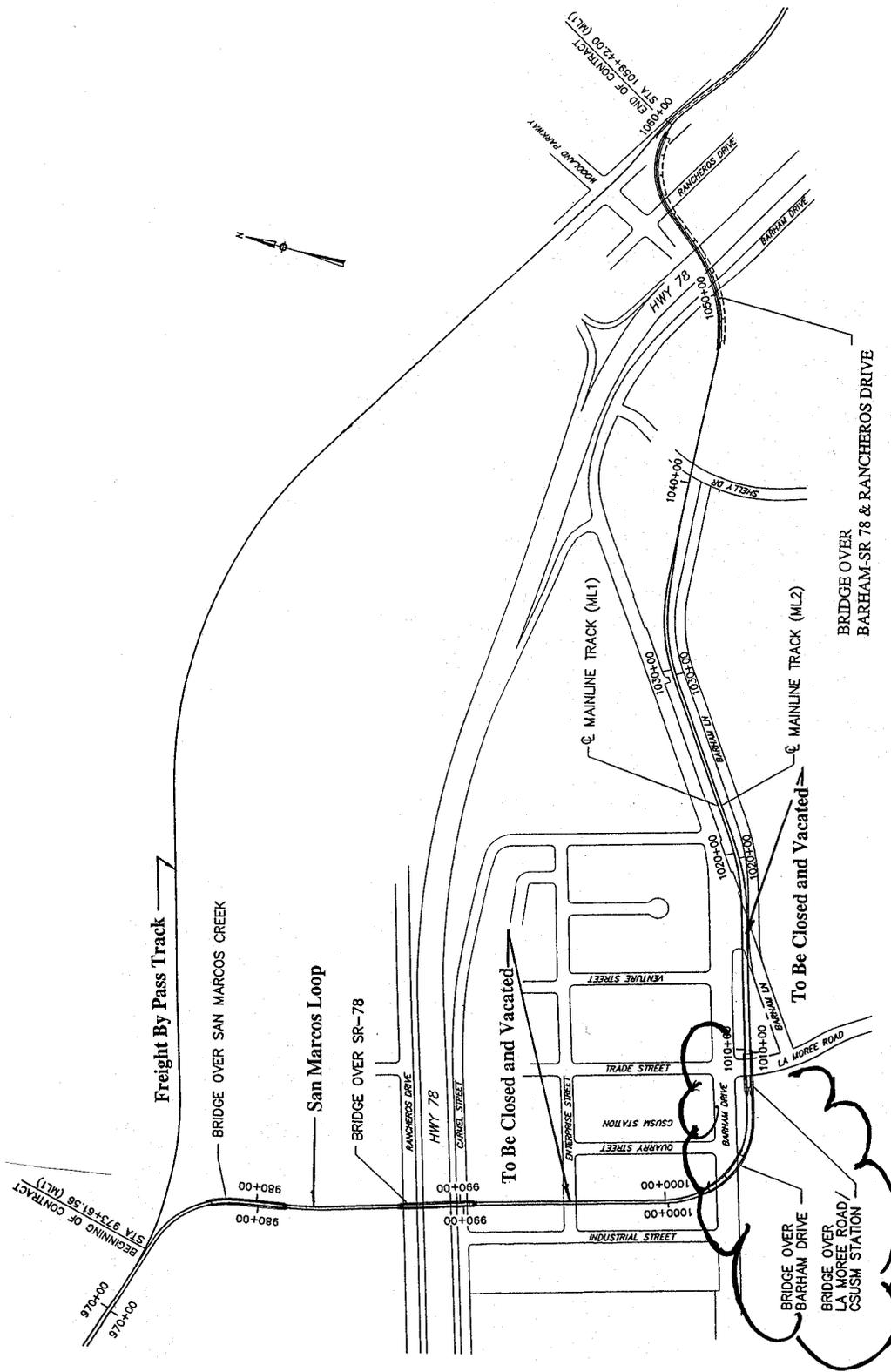


- NOTES:**
1. FOR DETAILS NOT SHOWN, SEE STANDARD PLANS A75A AND A75B.
 2. FOR CONCRETE BARRIER AND ASPHALT CONCRETE REMOVAL LIMITS, SEE "CONCRETE STRENGTH AND TYPE LIMITS" SHEET.
 3. STEPPED SURFACE IS OPTIONAL. OTHER FILL OPTIONS ARE NOT ALLOWED.
 4. EXPOSE AND PRESERVE EXISTING HORIZONTAL BARS IN THE BARRIERS FOR A MINIMUM OF 2'-0" FOR SPlicing WITH NEW BARRIER BARS.
 5. SEE DWG CI-705 FOR LIMITS OF BARRIER REMOVAL/REPLACEMENT.

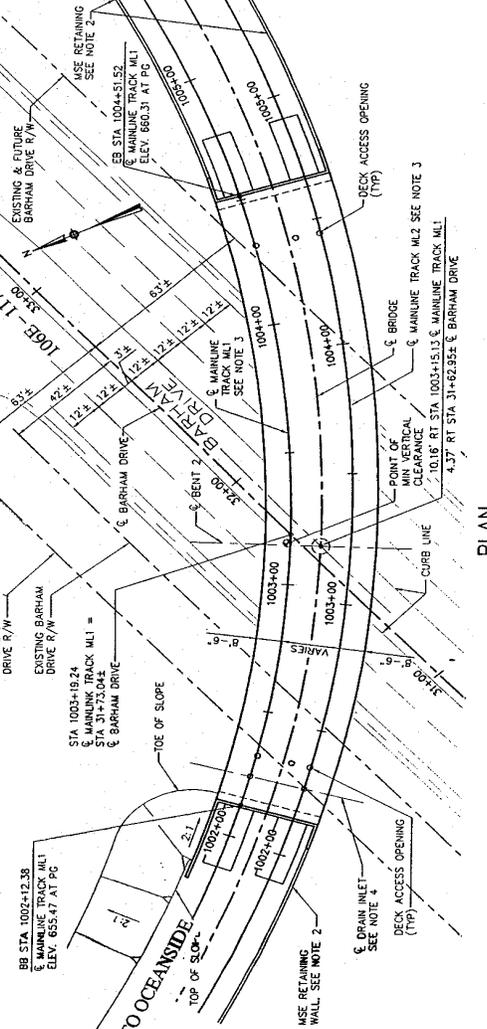
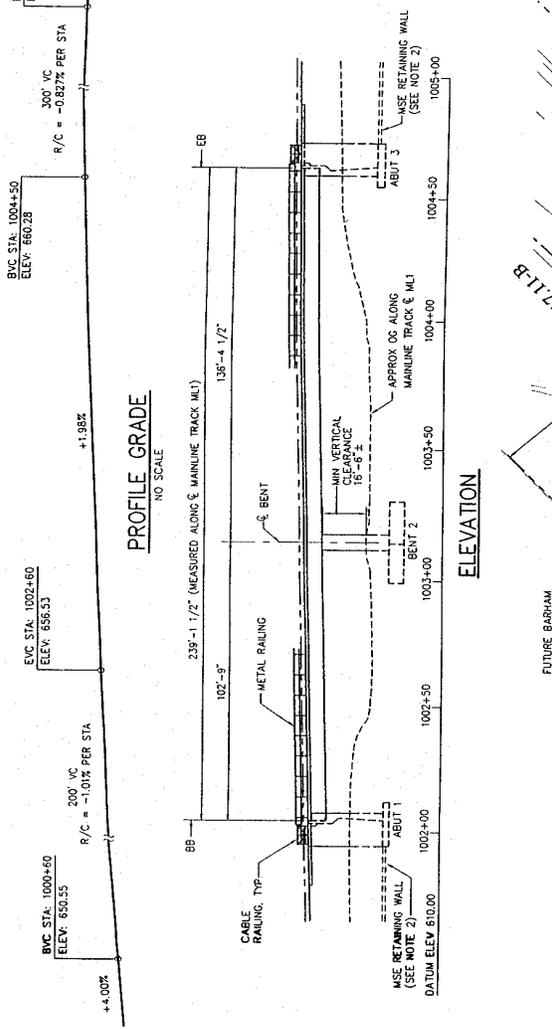
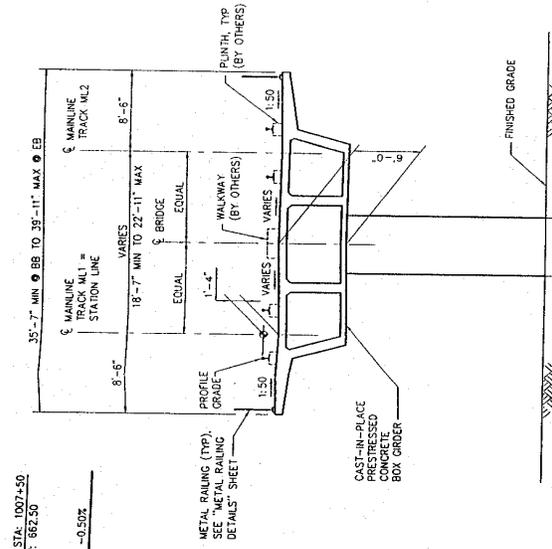


CONCRETE BARRIER TRANSITION AT COLUMN
NO SCALE

OCEANSIDE - ESCONDIDO RAIL PROJECT
SAN MARCOS LOOP
TYPICAL CROSS SECTIONS
BRIDGE OVER BARHAM DRIVE/RANCHEROS DRIVE

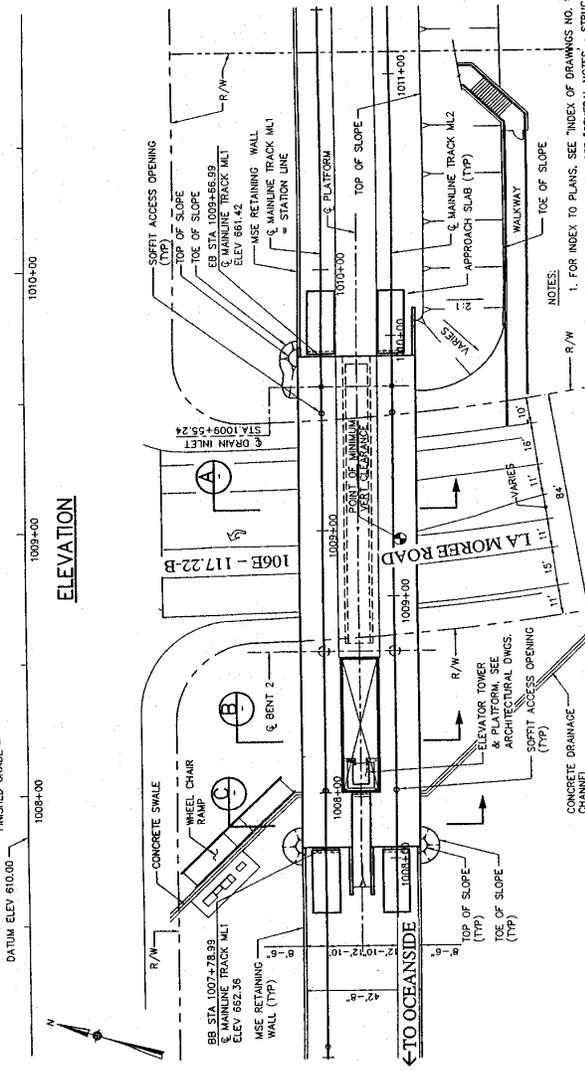
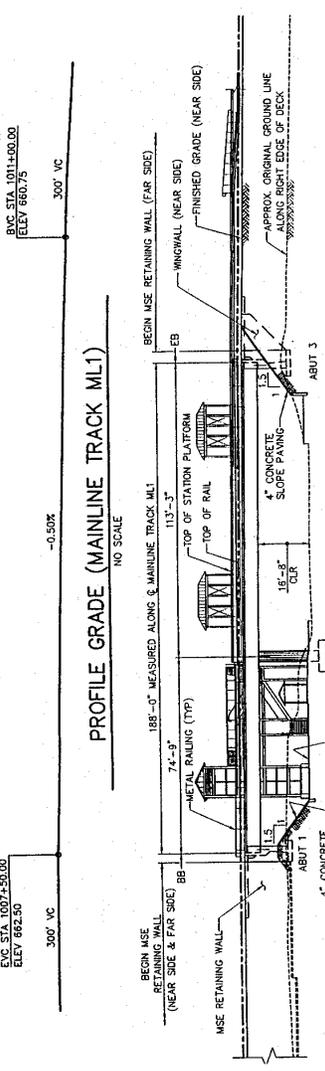
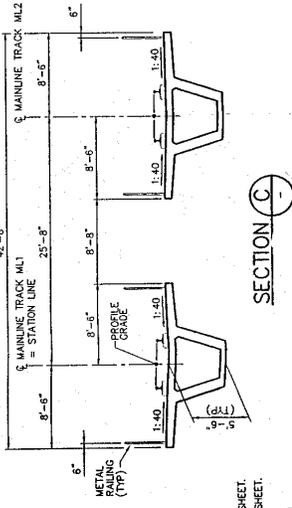
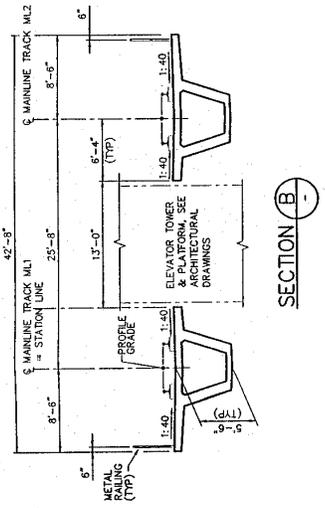
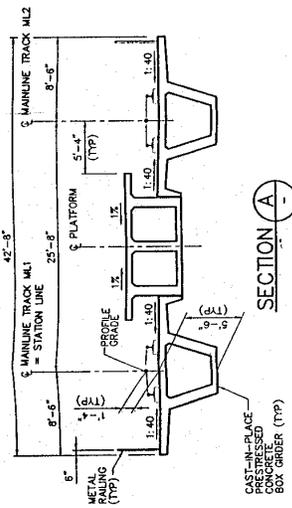


OCEANSIDE - ESCONDIDO RAIL PROJECT
SAN MARCOS LOOP
SAN MARCOS LOOP
KEY MAP



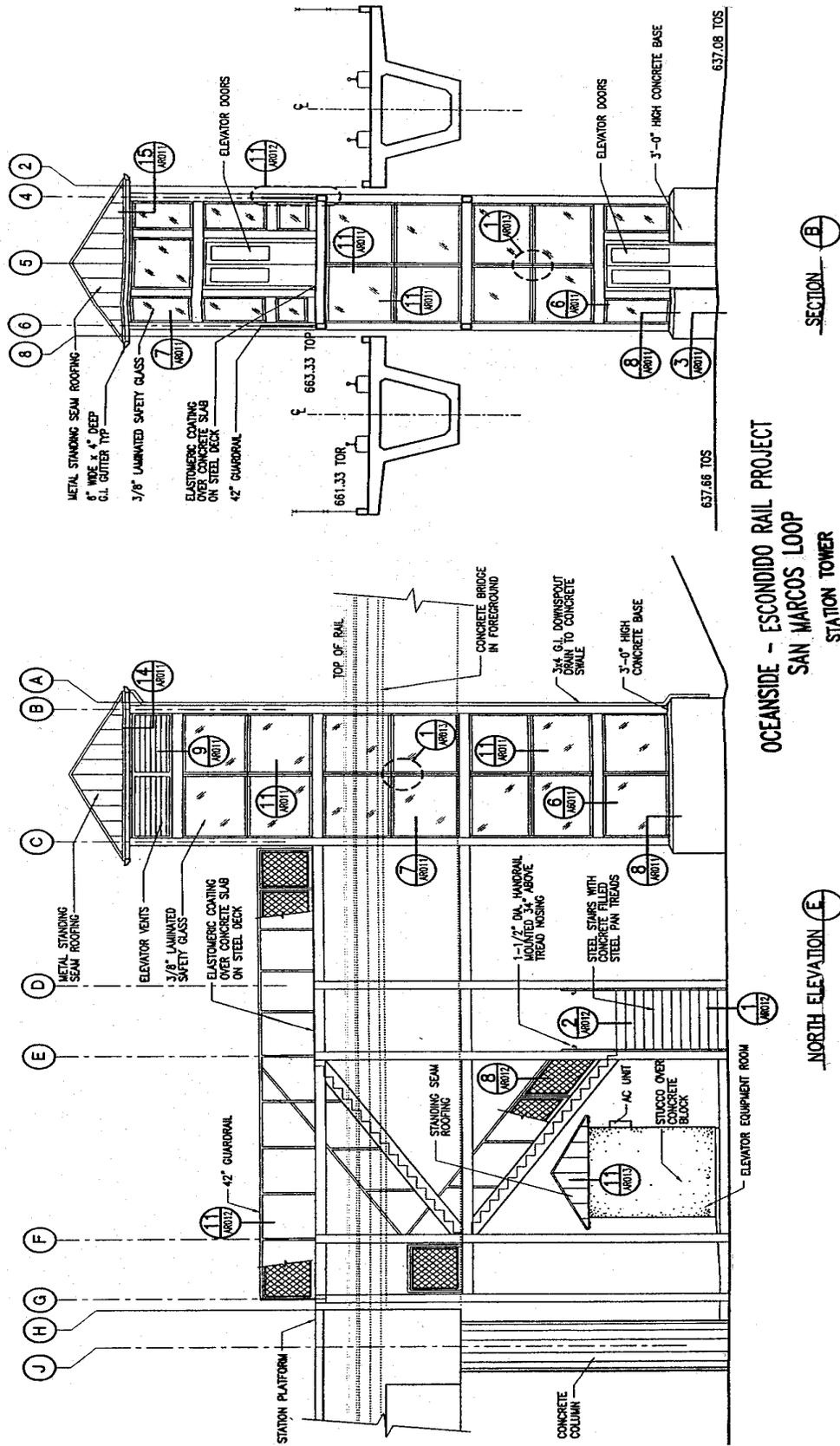
- NOTES:**
1. FOR GENERAL NOTES, SEE "GENERAL NOTES-STRUCTURES" SHEET.
 2. FOR MSE RETAINING WALL DETAILS, SEE "MSE RETAINING WALL LAYOUT" SHEETS.
 3. FOR M1 & M2 DATA SEE "TRACK ALIGNMENT DATA" SHEETS.
 4. FOR DRAINAGE DETAILS SEE "DECK DRAIN DETAILS" SHEETS.
 5. ROCK REMOVAL AND ROCK GRADING BY OTHERS WILL OCCUR IN THE AREA SOUTHWEST OF THE BRIDGE OVER BARHAM DRIVE. GRADING WORK IN CONJUNCTION WITH THE ROCK REMOVAL SHALL BE DONE IN SUCH A MANNER AS TO CONFORM TO THE STATION AND PLAZA GRADES.

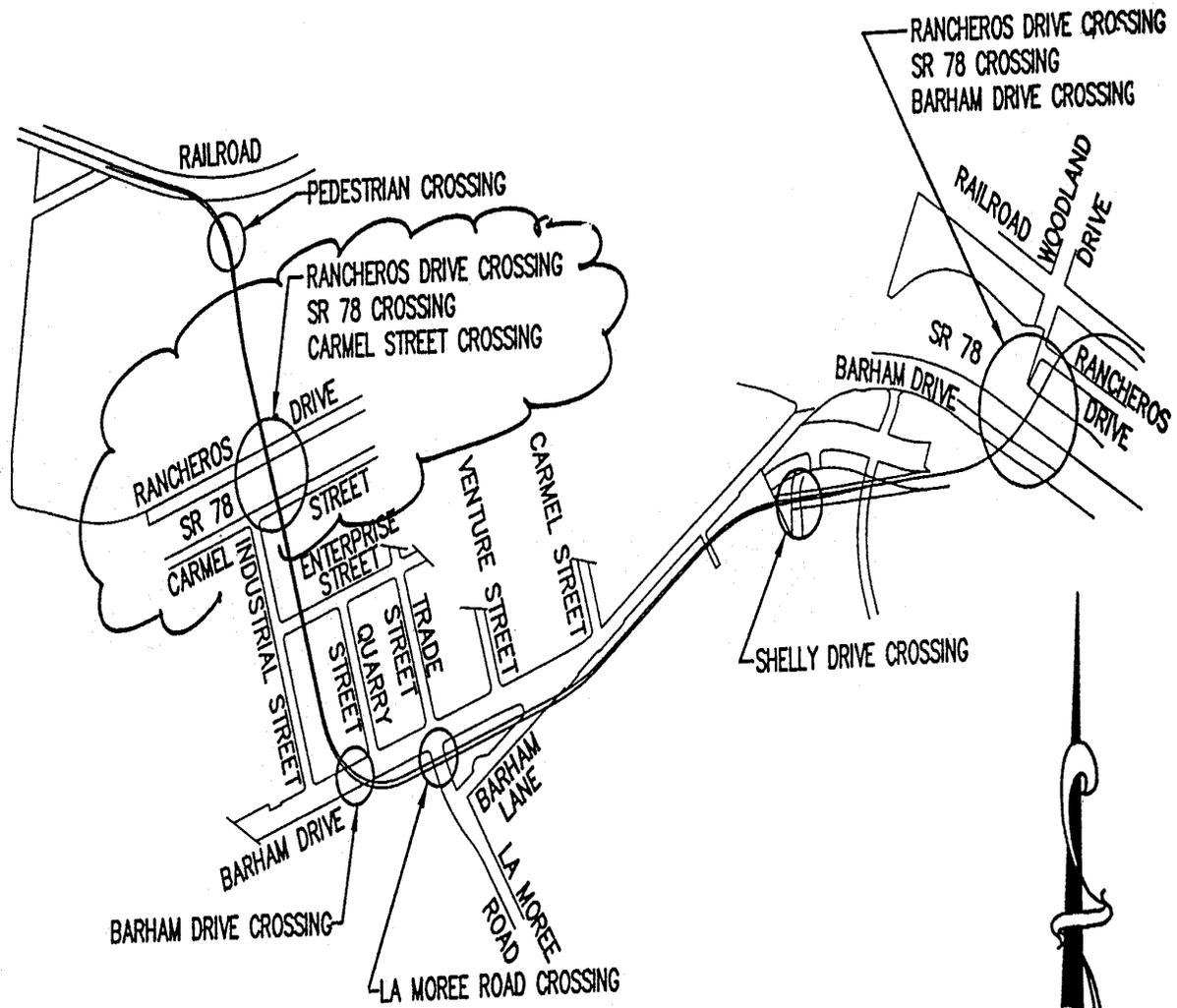
OCEANSIDE - ESCONCIDO RAIL PROJECT
SAN MARCOS LOOP
 GENERAL PLAN
 BRIDGE OVER BARHAM DRIVE



- NOTES:
1. FOR INDEX TO PLANS, SEE "INDEX OF DRAWINGS NO. 1 & 2" SHEET.
 2. FOR GENERAL NOTES, SEE "GENERAL NOTES - STRUCTURES" SHEET.
 3. FOR CURVE DATA, SEE "TRACK ALIGNMENT DATA" SHEET.
 4. FOR MSE RETAINING WALL, SEE "MSE RETAINING WALL - PLAN & ELEVATION" SHEETS.
 5. FOR LIMITS OF SLOPE PAVING, SEE "DECK CONTOURS" SHEET.

OCEANSIDE - ESCONDIDO RAIL PROJECT
 SAN MARCOS LOOP
 GENERAL PLAN
 BRIDGE OVER LA MOREE ROAD





PROJECT LOCATION MAP

VICINITY MAP

NOT TO SCALE

PUC CROSSINGS
OCEANSIDE-ESCONDIDO RAIL PROJECT
SAN MARCOS LOOP

APPENDIX C ENVIRONMENTAL DOCUMENT

010544

FILED Gregory J. Smith, Recorder/County Clerk

SEP 13 2001

BY [Signature] DEPUTY

Notice of Determination

TO: [] Office of Planning and Research 1400 Tenth Street Sacramento, California 95814 or, [X] County Clerk County of San Diego P. O. Box 121750 San Diego, CA 92112 FROM: (Public Agency) North County Transit District 810 Mission Avenue Oceanside, CA 92054

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

Project Title NCTD Oceanside-Escondido Rail Project - Approval of 100% Design State Clearinghouse Number (if submitted to State Clearinghouse) 96051021 Contact Person Leslie Blanda Telephone Number (760) 967-2852 Project Location Parallel to State Route 78 primarily within the existing rail right-of-way between the cities of Oceanside, Vista, San Marcos and Escondido and an unincorporated portion of San Diego County, with 1.7 miles of new right-of-way to connect to the CSUSM campus at San Marcos. Project Description 100% Design approval for converting a 22-mile freight corridor into a diesel multiple unit passenger rail system

This is to advise that the North San Diego County Transit Development Board (NSDCTDB) (Lead Agency or Responsible Agency) has approved the above described project and has made the following determinations regarding the above described project:

- 1. Implementation of the 100% [] will have a significant effect on the environment. [X] will not create new significant effects on the environment from those analyzed in the Subsequent Environmental Impact Report (SEIR) certified by NSDCTDB in March 1997. 2. [] 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. [X] An Addendum was prepared for the project pursuant to the provisions of CEQA. The Final SEIR (March 1997) and Addendum and record of project approval may be examined at North County Transit District, 810 Mission Avenue, Oceanside, CA 92054

3. Additional mitigation measures [] were, [X] were not, made a condition of the approval of the project.

4. A statement of Overriding Considerations [] was, [X] was not, adopted for this project.

Date Received for Filing [Signature] Signature Executive Director Title September 12, 2001

RECEIVED OCT 23 2001 BY: [Signature]

FILED IN THE OFFICE OF THE COUNTY CLERK SAN DIEGO COUNTY ON SEP 13 2001 POSTED SEP 13 2001 REMOVED OCT 15 2001 RETURNED TO AGENCY ON OCT 15 2001 DEPUTY [Signature]

01560; 13910

002295