

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the California Department of Transportation for an order authorizing construction of two new grade separated crossings (per General Order 26-D and one new at-grade crossing (per General Order 143-B) over one light rail line operated by the San Diego Metropolitan Transit System at the proposed State Route 52/Cuyamaca Street Interchange in the City of Santee, County of San Diego, State of California.

Application 06-08-012
(Filed August 9, 2006;
Amended August 24, 2006)

O P I N I O N

Summary

This decision authorizes the California Department of Transportation (Caltrans) to construct one at-grade crossing, and two grade-separated crossings at the proposed State Route (SR) 52/ Cuyamaca Street Interchange, over one Light Rail Transit (LRT) track operated by the San Diego Metropolitan Transit System (MTS), in the City of Santee, County of San Diego.

Discussion

The proposed project is the fourth stage of a five-stage construction program led by Caltrans. The proposed project is for the extension of SR-52 from Santo Road in the City of San Diego to SR-67 in the City of Santee (City). Stages 1-3 of the project, from Santo Road to SR-125, have already been constructed and are currently in operation.

In stage four, SR-52 will be widened in the west between Interstate 805 and SR-125, as well as extended from SR-125 to SR-67 in the City for the eastern portion of the corridor. The proposed project will improve East/West mobility for the rapidly developing east San Diego County areas for the projected (by 2025) average daily traffic volume of 110,000 vehicles on this segment of SR-52.

Four-lane segments of the SR-52 Freeway from SR-125 to SR-67 are to be constructed in the City and will include a diamond interchange with a loop ramp at Cuyamaca Street. The new SR-52/Cuyamaca Street Interchange will cross the existing LRT trolley line operated by MTS. The trolley line is located in the center of Cuyamaca Street on a semi-exclusive right-of-way.

The Commission's Consumer Protection and Safety Division-Rail Crossings Engineering Section (RCES) inspected the project site with Caltrans, MTS and the City on October 16, 2002. RCES reviewed Caltrans' plans and evaluated the impacts to safety of trolley operations as well as vehicular traffic circulation in the immediate vicinity. RCES worked with the parties to improve the safety of Caltrans' design by eliminating unnecessary at-grade crossings to minimize the impacts to trolley operations and vehicular traffic circulation, while maintaining a viable regional mobility improvement project. The parties reached consensus on the design alternative that is the subject of this application.

The revised design includes two grade-separated highway-light rail crossings that will be constructed over the trolley line at the future SR-52/Cuyamaca Street intersection. The proposed Cuyamaca Street Overhead crossing will carry both eastbound and westbound SR-52 traffic. The

proposed Cuyamaca Street on-ramp overhead crossing will carry westbound SR-52 on-ramp traffic.

Only one new at-grade crossing is proposed instead of the two in the original design. The proposed at-grade crossing will form a four-way signalized intersection with the trolley line running through the center of the intersection. An average of 68 trolley trains travel on this line daily. The traffic signals and signal controllers at this new intersection will be connected and coordinated with the existing signals at the adjacent Prospect Avenue and Buena Vista Avenue intersections with Cuyamaca Street. The operation of the proposed at-grade crossing is typical for MTS Trolley LRT - vehicle intersections with traffic signals and will be integrated into its LRT system.

The proposed warning devices at the new at-grade crossing will consist of traffic signals which conform to requirements for semi-exclusive LRT right-of-way as specified in Section 7.03, "Maximum Speeds," Table 1, "Maximum Permitted Speeds for Light-Rail Transit Systems," and Section 9.04b(3), Alignment classification," of CPUC General Order (GO) 143-B. The trolleys operate at speeds up to, but not exceeding, 35 miles per hour in accordance with the Commission's GO 143-B.

On August 24, 2006, Caltrans filed an amendment to the application, notice of which was published on the Commission's August 30, 2006 Daily Calendar. The amendment provides correct maximum speed of 35 mph (the application incorrectly states 20 mph) for the LRT, and states the warning devices will be provided pursuant to GO 143-B (the application incorrectly references GO 75-D).

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources (PR) Code Section 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission must approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole.¹ Here, Caltrans is the lead agency for this project and the Commission is a responsible agency. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.²

Caltrans prepared a Final Environmental Impact Statement/Report (FEIS/R) in 1989. Impacts related to construction of the overall SR-52 project were identified; however, they were not specifically related to the grade-separated and at-grade crossings that are the subject of this

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

² CEQA Guidelines, Sections 15050(b) and 15096.

application. The MTS' trolley line was not constructed along the center of Cuyamaca Street in the City until 1994.

Subsequently, Caltrans prepared an Addendum/Reevaluation in July 2006 entitled *Environmental Reevaluation/Addendum for Final EIS/R and Final Section 4(f) for State Route 52 (East) in San Diego County*, to determine whether or not there were any substantial new environmental impacts associated with the construction of Stage 4 or the SR-52 extension compared to the original 1989 FEIS/R. Any substantial new impacts would require that a supplemental environmental document be prepared. The Reevaluation study considered the presence of MTS's trolley line, among other items, and its impact to the project design. In consultation with RCES and the other parties, Caltrans modified the design of the SR-52 overpass at Cuyamaca Street to accommodate the trolley line and reduce the number of proposed at-grade crossings from two to only one.

After consideration of the information developed in the Reevaluation study, no new substantial adverse changes in the project, circumstances, or information under which the project is to be undertaken were identified that would result in new significant environmental impacts.

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements, including Rule 3.7 of Rules of Practice and Procedure, which relates to the construction of a public highway across a railroad. Vicinity maps are attached to the application.

RCES visited the location of the proposed project, reviewed and analyzed the plans submitted with the application, and recommends that the Commission grant Caltrans' request.

Categorization and Need for Hearings

In Resolution ALJ 176-3177, dated August 24, 2006, and published in the Commission Daily Calendar on August 25, 2006, the Commission preliminary categorized this application as Ratesetting, and preliminary determined that hearings were not necessary. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3177.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g) (2) of the Public Utilities Code and Rule 14.6(c) (2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on August 15, 2006. An amendment to the application was filed on August 24, 2006. A notice of the amendment was published in the Commission's Daily Calendar on August 30, 2006. There are no unresolved matters or protests; a public hearing is not necessary.

2. Caltrans requests authority to construct one at-grade and two grade-separated crossings at the SR-52/Cuyamaca Street Interchange, over the LRT line operated by MTS, in the City of Santee, San Diego County.

3. Improved East/West mobility for the rapidly developing east San Diego County requires construction of the at-grade and grade-separated crossings.

4. Caltrans is the lead agency for this project under CEQA, as amended.

5. Caltrans adopted an Addendum/Reevaluation to the original 1989 FEIS/R for this project pursuant to CEQA. Neither the 1989 FEIS/R nor the subsequent Addendum identified any significant environmental impacts related to the crossings.

6. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's Addendum/Reevaluation to the original 1989 FEIS/R.

Conclusions of Law

1. The FEIS/R and Addendum/Reevaluation adopted by Caltrans as the documentation required by CEQA for the crossing project is adequate for our decision-making purposes.

2. The application is uncontested and a public hearing is not necessary.

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

ORDER

IT IS ORDERED that:

1. The California Department of Transportation (Caltrans) is authorized, to construct one new at-grade crossing, crossing name "Eastbound SR-52 Off-Ramp" identified as CPUC Crossing No. 36D-19.82, and two grade-separated crossings, crossing name "Cuyamaca Street Overhead" identified as CPUC Crossing No. 36D-19.85-A, and crossing

name "Cuyamaca Street On-Ramp Overhead" identified as CPUC Crossing No. 36D-19.87-A, over the Light Rail Transit line operated by San Diego Metropolitan Transit System (MTS), in the City of Santee, San Diego County.

2. Within 30 days after completion of the two grade-separated crossings, Caltrans shall notify the Commission's Rail Crossing Engineering Section (RCES) that the authorized work is completed. Within 30 days after completion of the at-grade crossing, MTS shall notify RCES that the authorized work is completed. Both reports shall be made by submitting a completed Commission Standard Form G titled *Report of Changes at Highway Grade Crossings and Separations*.

3. 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.

4. A request for extension of the three-year authorization period must be submitted to RCES at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

5. This application is granted as set forth above.

6. Application 06-08-012 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.