BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Application of City of San Diego to construct a new at-grade crossing at Fenton Parkway in the City of San Diego on San Diego Metropolitan Transit System's (MTS) Green – Old Town to La Mesa Trolley Line at MP 8.69 (Proposed CPUC Crossing No. 081MV-8.69-D).	Application No. _____

APPLICATION

The City of San Diego respectfully requests authority from this Commission to construct one (1) new at-grade rail crossing at Fenton Parkway on San Diego Metropolitan Transit System (MTS) Green – Old Town to La Mesa Trolley Line, Mile Post 8.69, for an extension of Fenton Parkway and access to properties south and east of the tracks. The Project is located within City of San Diego, San Diego County. The proposed work will provide access along Fenton Parkway to proposed new San Diego State University (SDSU) facilities, public parks, roads and pathways northeast of the crossing, between the tracks and the river, and existing residences, shopping centers, public library, Fenton Parkway Trolley Station and other existing properties at and west of the tracks.

In support of its application, The City of San Diego (The City) asserts that:

1. The City herein is sometimes referred to as "Applicant".

2. Applicant's exact legal name is "City of San Diego" and its principal place of business is located at:

   1222 First Avenue
   San Diego, CA 92101-4154

3. All correspondence, communication notices, orders, and other papers relative to this application should be addressed to:

Mr. Duncan Hughes, Deputy Director
City of San Diego
Transportation
1222 First Avenue
San Diego, CA 92101-4154
dhughes@sandiego.gov

4. The San Diego Trolley Green Line is owned, operated and maintained by MTS. The Green Line includes 2 main tracks at Fenton Parkway. No other railroads operate on this line.

Fenton Parkway currently ends at the tracks on the north side of the proposed crossing, adjacent to the existing Fenton Parkway Station, and no vehicle or pedestrian traffic has access to the area south of the tracks/station platform. MTS provides Trolley service 7 days a week on the Green Line Maximum Trolley speed on the main track is 55 miles per hour (MPH), with 15-minute headways.

5. The Project description & public need is as follows:

The proposed project entails the acquisition, construction, and operation of an SDSU Mission Valley campus, stadium, parks, recreation, and innovation area to support SDSU's education, research, entrepreneurial, technology, and athletics programs. Specifically, the proposed campus would include:

- Approximately 83 acres of parks, recreation, and open space, including a River Park, which includes the 34 acres identified pursuant to the framework set forth in San Diego Municipal Code (SDMC) Section 22.0908, which shall be constructed by SDSU with shared SDSU/community active and passive parks and recreation fields and open space; and pedestrian, hiking, and biking trails;
- Approximately 1.6 million square feet of campus uses for education, research, entrepreneurial, and technology programs;

- Construction of a new, multipurpose 35,000-capacity Stadium and the corresponding demolition of the existing San Diego County Credit Union (SDCCU) Stadium (formerly, “Qualcomm Stadium”);
- Approximately 4,600 residences including student, faculty, staff, workforce, and affordable housing, within a vibrant, transit-oriented university village setting;
- Approximately 400 hotel rooms to support campus visitors and Stadium-related events, with additional conference facilities, which would serve as an incubator for graduate and undergraduate students in SDSU’s hospitality and tourism management program;
- Approximately 95,000 square feet of community-serving retail space to support the campus, Stadium, and the community;
- Enhanced use of the Metropolitan Transit System (MTS) Green Line Stadium Trolley Station, thereby, minimizing vehicular traffic use and accommodating the planned Purple Line on the project site; and
- Associated on-site and off-site infrastructure, utilities, facilities, and other amenities.
- Up to 15,000 full-time equivalent students (FTES) over time, resulting in a total student headcount of approximately 20,000 students.

The proposed Fenton Parkway crossing will provide vehicular and pedestrian access between the existing Fenton Parkway Trolley Station, businesses and residences west and north of the crossing and the proposed new facilities, parks, roads and pathways south and east of the crossing. The Fenton Parkway extension across the tracks towards the south will connect with a proposed new roadway that turns to the east to provide access to public parks, new SDSU facilities and other existing properties. The new roadway will be constructed to provide primary access to the proposed SDSU properties and other existing properties from Friars Road at the existing Qualcomm Way Entrance at the northwest end of the project with connection to Fenton Parkway on the southwest end.

In 2004 the CPUC authorized construction of an at-grade crossing at the Fenton Parkway (Decision 04-11-016, Application 02-04-050) as part of the City’s previous Mission City Parkway Project, which was subsequently not constructed. The previous Mission City

Parkway Project included a new two-lane major collector street with a 45 MPH design speed at the crossing that would connect Fenton Parkway to properties east of the crossing and Mission City Parkway via a bridge across the San Diego River. A new, proposed "I" Street would intersect Fenton Parkway/Mission City Parkway approximately 30 feet from the crossing to provide access to the properties between the river and the tracks. The City has intentions of completing a future connection between Mission City Parkway and Fenton Parkway via a bridge across the San Diego River, however this is not part of the current project.

For Rail Milepost and Location Description for the proposed Fenton Parkway at-grade crossing, see **Exhibit A.** Proposed Fenton Parkway Crossing details, including proposed signs, signals, warning devices and other elements, are depicted in **Exhibit B.** The Location Map proposed overall Project Layout is shown in **Exhibit C.**

6. The proposed at-grade crossing will conform to Federal Railroad Administration (FRA), CPUC, AREMA, City and MTS standards. The proposed crossing will include CPUC No.9 active warning devices (gates, flashers and bells), channelization/railing, swing gates, ADA detectable warning surfaces, signage and striping on both approaches.

7. The proposed permanent crossing alignment will be contained within the existing railroad and proposed roadway extension rights-of-way.

8. The nearest public crossings on each side of the proposed crossing are as follows:

    - The nearest public crossing to the southwest of the proposed crossing is Fenton Parkway Station (at-grade), located at rail milepost 8.65 and identified as CPUC Crossing No. 081MV-8.65-D.
    - The nearest public crossing to the northeast of the proposed crossing is Qualcomm Stadium Station (at-grade), located at rail milepost 9.10 and identified as CPUC Crossing No. 081MV-9.10-D.

9. The authorization to construct the project is requested pursuant to Section 1201 through 1205 of the Public Utilities Code and is made in accordance with Rule 3.7, of the CPUC Rules of Practice and Procedure.

10. The proposed crossing number, stated herein as required by CPUC Rules of Practice and Procedure 3.7, is CPUC Crossing No. 081MV-8.69-D.

11. The public need for the Project, as a requirement of CPUC Rules of Practice and Procedure 3.7(c)(1) is described as follows:

    The Project is necessary to provide vehicular and pedestrian access to the properties being developed between the Trolley's Light Rail Transit (LRT) tracks and the river, the existing LRT station and other existing properties northwest of the crossing. Without the crossing, the Project would not be able to safely or effectively provide public access to the existing station platforms, residences, and shopping area. Public and emergency access to the proposed public parks and pathways, amenities and other facilities would be limited to the primary access at Friars Road at the Northwest end of the Project. The overall project benefits the City and surrounding community in a variety of ways including providing new public parks, pathways, trails, educational and business facilities and mitigating commuter traffic by providing safe, direct access to existing LRT facilities, and associated taxes and revenues for the area.

12. The reason separation of grades is not practicable as a requirement of CPUC Rules of Practice and Procedure 3.7(c)(2) is as follows:

    Grade Separation of the crossing is not feasible due to the constraints posed by existing Right-of-Way (ROW), property access points, utilities, the flood control channel (San Diego River), and the LRT track and station. **Exhibit D** shows the impacts a proposed grade separation would have in either an "over" or "under" the track scenario. To complement the exhibit, below is a comprehensive list of impacts and design challenges a grade separation of Fenton Parkway would incur.

Right of Way and Access impacts – “over” and “under” crossing:

- Public Library (NE quadrant) – Main pedestrian entrance would be eliminated. Parking lot entrance would need redesign and there could be a major loss of parking area and solar energy array.
- Ikea Shopping Center (NE quadrant) – Delivery driveway would be eliminated cutting off circulation and creating a nearly impossible challenge for goods movement to the store.
- MTS Trolley Station (west of crossing) - Pedestrian Access from Fenton Parkway would require major infrastructure, possibly an elevator tower, for circulation.
- Multi-family apartment complex (NW quadrant) – Main entrance would require a complete redesign and may impact drainage patterns and pedestrian paths.

Design Challenges and Environmental Impacts – “over” crossing alternative:

- Existing overhead 12KV electric utility would need to be raised or relocated. This would add significant time to the project schedule as well as cost.
- Additional protection would be required for the existing trolley messenger and catenary wires and associated infrastructure from potential clearance or other impacts.
- A larger environmental footprint would be required due to additional structural elements for an “over” the track crossing. This would further impact environmental, biological and cultural resources.
- Connection to proposed Street A is not feasible without requiring substandard roadway design elements, including steep grades, at the proposed location. In order to lessen the grade, Street A connection would need to shift towards the river basin. However, that would require extending both Street A and Fenton outside the property limits and into or across the river, which is also not feasible. Additionally, this would have serious impact on existing biological and cultural resources as well as the usability of the property.

Design Challenges and Environmental Impacts – “under” crossing alternative:

- An existing storm drain, a large trunk sewer, and other underground utilities would need to be lowered or relocated.
- Groundwater and seepage would need to be mitigated, requiring additional impacts to San Diego River Basin and floodplain.
- A larger environmental footprint would be required due to major excavation and additional structural elements. This would further impact environmental, biological and cultural resources.
- Proposed Street A may need to shift towards the river basin to make the horizontal and vertical roadway geometry work. This would further impact existing biological and cultural resources.
- In general, any adjustments to project site access would significantly impact usability of proposed parks, properties and mitigation measures.

As shown in Figure 4.3-2, Fenton Parkway Extension, in **Exhibit F**, habitat in the vicinity of the current terminus of Fenton Parkway, north of the existing trolley line, includes Southern Cottonwood Willow Riparian Forest, Coastal Sage Scrub, and Baccharis-dominated Coastal Sage Scrub. These habitat types are sensitive resources permitted by Army Corps of Engineers, Regional Water Quality Control Board, and the California Department of Fish and Wildlife. Impacts to these resources would require compliance with mitigation measure MM-BIO-13, which requires:

> **MM-BIO-13 WETLAND MITIGATION/FEDERAL AND STATE AGENCY PERMITS.** The overall ratio of wetland/riparian habitat mitigation shall be 3:1. Impacts shall be mitigated at a 1:1 impact-to-creation ratio by either the creation, or purchase of credits for the creation, of jurisdictional habitat of similar functions and values. An additional 2:1 enhancement-to-impact ratio shall be required to meet the overall 3:1 impact-to-mitigation ratio for impacts to wetlands/riparian habitat. Impacts to un-vegetated and ephemeral stream channels shall occur at a 1:1 or 2:1 mitigation ratio, with a 1:1 impact-to-creation ratio. Additional mitigation for unvegetated channels will occur through preservation. Mitigation may occur as on-site creation, off-site enhancement and restoration (e.g., at the San Diego State

University-owned Adobe Falls property), and/or purchase of credits at an approved mitigation bank.

If mitigation is proposed outside of an approved mitigation bank, a conceptual wetlands mitigation and monitoring plan shall be prepared and implemented. The conceptual wetlands mitigation and monitoring plan shall, at a minimum, prescribe site preparation, planting, irrigation, and a 5-year maintenance and monitoring program with qualitative and quantitative evaluation of the revegetation effort and specific criteria to determine successful revegetation.

Prior to impacts occurring to U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) jurisdictional aquatic resources, California State University/San Diego State University or its designee shall obtain the following permits: ACOE 404 permit, RWQCB 401 Water Quality Certification, and CDFW 1600 Streambed Alteration Agreement.

A grade-separated crossing would either result in additional impacts compared to the adopted project, or would result in alternative designs, such as retaining walls, which may have additional, undisclosed impacts to biological resources which were not anticipated by the Final EIR.

In addition to potential impacts to biological resources, a grade separated crossing which expanded the impact footprint could result in impacts to unknown cultural and/or tribal cultural resources. The Final EIR (**Exhibit F**), Section 4.4 (see page 4.4-16) and Section 4.16 (see Page 4.16-19 and 4.16-10), determined there was the potential for impacts to unknown cultural resources, human remains or other tribal cultural resources and recommended mitigation for such impacts. Expanding the development footprint for a grade-separated crossing would potentially increase the impacts to these resources.

13. The signs, signals or other crossing warning devices which applicant recommends be provided as a requirement of CPUC Rules of Practice and Procedure 3.7(c)(3) are as follows:

    The proposed warning devices to be provided are outlined in the design plans attached in **Exhibit B** and each approach includes vehicle and pedestrian No. 9 warning device (gates, bells, flashers and R15-1P, R15-2P signs) R15-8 “LOOK”, W10-1, W48 (CA), signs, railroad crossing striping, and 24” stop bar striping, per CAMUTCD, 12” solid white cross walk line striping, chain link fencing and/or split railing along the right-of-way, swing gate, ADA detectable warning surface and lighting. Pedestrian No. 9 warning devices are also proposed in the “exit” or “off” quadrants and additional signage, including I-13, R9-3b, R3-5(RT), R3-1 signs, will be installed per CAMUTCD.

14. Applicant asserts that the cost of the work will not be apportioned but will be funded entirely by funding sources arranged for by the Applicant.

15. The following exhibits are transmitted as required by the referenced portions of CPUC Rules of Practice and Procedures 3.7:

    i) **Exhibit A,** Rail Milepost and Location Description for the proposed at-grade crossing
    ii) **Exhibit B,** Proposed Crossing Design showing the Vicinity Map and key details in conformance with CPUC Rules of Practice and Procedure 3.7 (d), (e) and (f)
    iii) **Exhibit C**, Location Map and Proposed Overall Project Layout
    iv) **Exhibit D,** Grade Separation Feasibility Drawing
    v) **Exhibit E,** Signature pages to provide concurrence with this project
    vi) **Exhibit F,** FIER SDSU Mission Valley 1-17-20 FINAL Environmental Documents

WHEREFORE, Applicant, City of San Diego, respectfully requests that the Commission issue an order pursuant to the provisions of Sections 1201-1205, inclusive, of the California Public Utilities Code and Commission Rules of Practice and Procedure Rule 3.7 authorizing the construction of a new at-grade crossing at Fenton Parkway on the Trolley Green Line with proposed CPUC crossing No. 081MV-8.69-D.

Date: 5/29/2020

City of San Diego
By:

Mr. Duncan Hughes, Deputy Director
City of San Diego
Transportation & Storm Water Department
8050 Othello Avenue
San Diego CA 92111
DRHughes@sandiego.gov

SCOPING MEMO INFORMATION FOR APPLICATIONS

A. Category (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.

Public hearings are not anticipated as being necessary

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.

None

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 months (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:

Filing of Application	July 2, 2020
30 days Protest period	August 2, 2020
4 Months Proposed decision	November 2, 2020
6 Months Final decision	January 2, 2021

IF HEARING UNEXPECTEDLY BECOMES NECESSARY:

6 months Prehearing conference	February 2, 2021
9 months Hearings	May 2, 2021
12 months Briefs due	September 2, 2021
13 months Submission	October 2, 2021
16 months Proposed decision (90 days after submission)	January 2, 2022
18 months Final decision (60 days after proposed decision is mailed)	March 2, 2022

VERIFICATION

(CPUC Rule 1.11)

I, Duncan Hughes, have read the Application for authority to construct a new at-grade crossing at Fenton Parkway on the Trolley Green Line and know the contents thereof, and the same is true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/29/2020 2020, at San Diego, California

By: _____ (Applicant)

Mr. Duncan Hughes, Deputy Director
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