

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Application of City of Encinitas to construct two new pedestrian at-grade crossings in the Leucadia neighborhood on North County Transit District's (NCTD) San Diego Subdivision at Grandview Street at MP 235.66 (Proposed CPUC Crossing No. 106-235.66-D) and at Phoebe Street at MP 236.12 (Proposed CPUC Crossing No. 106-236.12-D)

Application No. _____

APPLICATION

The City of Encinitas respectfully requests authority from this Commission to construct two (2) new at-grade pedestrian-rail crossing: one at Grandview Street on the North County Transit District (NCTD) San Diego Subdivision, Mile Post 235.66, and another at Phoebe Street on NCTD San Diego Subdivision, Mile Post 236.12. The Project is located within City of Encinitas, County of San Diego. The proposed work will provide access between the communities, neighborhoods, residences, businesses, and parking along Vulcan Avenue east of the tracks and the communities, neighborhoods, residences, businesses, pedestrian trails, and beaches along Coast Highway 101 (Hwy 101) west of the tracks.

In support of its application, the City of Encinitas (City) asserts that:

1. The City herein is sometimes referred to as "Applicant".
2. Applicant's exact legal name is "City of Encinitas," and its principal place of business is located at:
505 S. Vulcan Avenue
Encinitas, CA 92024

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

Jill Bankston, P.E.
Director of Engineering/City Engineer
Engineering Department
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024
760-633-2839
jbankston@encinitasca.gov

4. The San Diego Subdivision includes 1 main track through the project area and is owned and maintained by NCTD, which operates Coaster commuter train service. Amtrak and BNSF railroads also operate on this portion of the San Diego Subdivision as well.

The track is paralleled by Hwy 101 to the west and Vulcan Avenue to the east through the project corridor. Grandview Street currently terminates at Hwy 101 west of the tracks with a pedestrian crosswalk providing access to parking and proposed City Streetscape pedestrian and bicycle pathways/trails (currently under construction) along the east side of the roadway adjacent to the tracks. East of the tracks there is also existing parking and proposed pedestrian and bicycle pathways/trails adjacent to the tracks along the west side of Vulcan Avenue as well as residential neighborhoods and communities along the east side of Vulcan Avenue, including at the nearby intersections of Coral Cove Way and Hillcrest Drive.

Further south, Phoebe Street similarly terminates at Hwy 101 west of the tracks with a pedestrian crosswalk providing access to parking and proposed City Streetscape pedestrian and bicycle pathways/trails along the east side of the roadway adjacent to the tracks. East of the tracks there is also existing parking and proposed pedestrian and bicycle

pathways/trails adjacent to the tracks along the west side of Vulcan Avenue as well as residential neighborhoods and communities along the east side of Vulcan Avenue, including the nearby intersections of Jason Street and Glaucus Street.

There is currently no existing legal pedestrian access across the tracks along the 1.3 mile stretch of the project area between the nearest adjacent crossings.

NCTD provides train service 7 days a week on the San Diego Subdivision. Amtrak and BNSF Railway also operate on the San Diego Subdivision, providing daily intercity passenger and freight service, respectively. Maximum speed on the mainline tracks is 90 miles per hour (MPH) for passenger trains and 55 MPH for freight, with approximately 50 passenger trains and 4 freight trains each weekday. Lower train volumes on weekends.

For Rail Milepost and Location Description for the proposed at-grade pedestrian crossings at Grandview Street and Phoebe Street, see **Exhibit A**.

5. The nearest public crossings on each side of the proposed crossings are as follows:
 - The nearest public crossing to the north of the proposed crossings is La Costa Avenue (overhead grade-separated), located at rail milepost 235.1 and identified as California Public Utilities Commission (CPUC) Crossing No. 106-235.10-A (Federal Department of Transportation (DOT) No. 026826N).
 - The nearest public crossing to the south of the proposed crossings is Leucadia Boulevard (at-grade), located at rail milepost 236.5 and identified as CPUC Crossing No. 106-236.50 (Federal DOT No. 026827V).

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

The project involves the installation of two pedestrian at-grade railroad crossings on the NCTD San Diego Subdivision in Leucadia in the City of Encinitas along the southern section of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor. The first crossing

will be between the Coral Cove Way and Hillcrest Drive intersections with Vulcan Avenue, providing access across the tracks at the Grandview Street and Hwy 101 intersection (Grandview Street Crossing). The second crossing is located between Jason Street and Glaucus Street on Vulcan Avenue adjacent to the Phoebe Street and Hwy 101 intersection across the tracks (Phoebe Street Crossing).

The purpose of the Grandview Street Crossing and the Phoebe/Glaucus Street Crossing Project is to improve pedestrian and rail safety conditions within the project area and improve pedestrian access within the City of Encinitas' Leucadia community between beaches, coastal resources, commercial areas, and residential neighborhoods.

Within the 1.3-mile Leucadia section of the LOSSAN Rail Corridor between Leucadia Boulevard and La Costa Avenue, there is no existing legal pedestrian access across the tracks. Currently, to legally cross the tracks, pedestrians must use existing incomplete sidewalks or road shoulders to access either of the two adjacent roadway crossings (Leucadia Boulevard at-grade crossing to the south or the La Costa Avenue overhead grade-separated crossing to the north). The lack of safe, convenient pedestrian access results in significant pedestrian trespassing across the railroad tracks and may potentially increase vehicle traffic in the community by residents who may choose to drive to destinations west of the tracks rather than walk longer distances or trespass.

Within the project area, the limited number of highway-rail crossings and long distances between them act as an incentive for pedestrians to make illegal, hazardous crossings over the rail line. Pedestrian access to schools, recreational areas, residential areas, and businesses is restricted due to lack of access. Trespassing continues to be an issue despite the recent installation of fencing along the railroad Right-of-Way (ROW). The crossing locations were selected based data collected and evaluated, including, travel distances, geometry, pedestrian behavior and usage, proximity to crosswalks and observed pedestrian pathways, and community input among other factors.

In addition, regional and statewide transportation plans call for increasing the number of trains along this rail corridor, which will increase its risk. The future implementation of double tracking from downtown San Diego to the Orange County line, will result in increased train service along the rail corridor and may also affect the proposed project crossings.

7. The proposed at-grade crossings will conform to Federal Railroad Administration (FRA), CPUC, American Railway Engineering and Maintenance-of-Way Association (AREMA), California Manual on Uniform Traffic Control Devices (CAMUTCD), Americans with Disabilities Act (ADA), and NCTD standards. The proposed crossings 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.
8. The proposed permanent pedestrian at-grade crossing alignments will be contained within the existing railroad right-of-way.
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, Grandview Street is CPUC Crossing No. 106-235.66-D, and Phoebe Street is CPUC Crossing No. 106-236.12-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 pedestrian access between properties, communities, pedestrian facilities, and parking east of the mainline and properties, communities, businesses, pedestrian facilities, and beaches west of the mainline. Without the crossings, the Project would not be able to safely or effectively provide public pedestrian access across the tracks. The overall project benefits the City and surrounding community in a variety of ways including mitigating commuter traffic, providing safe access to beaches,

parks, trails, parking areas, and businesses, 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 crossings is not feasible due to the constraints posed by existing ROW, adjacent roadways (Hwy 101 and Vulcan Avenue), utilities, drainage, the flood control channel (drains to Batiquitos Lagoon), and proposed future track expansion. **Exhibit C** shows the impacts a proposed grade separation would have in either an “over” or “under” the track scenario for each crossing location. To complement the exhibit, below is a description of impacts and design challenges a grade separation would incur.

Overcrossing

Crossing over the tracks would require construction of stairs and ramps and/or elevators to provide access to a new bridge over the railroad, requiring a minimum of 26’ of clearance above the tracks. Exhibits showing the conceptual placement and impacts of overcrossing structures at both Grandview Street and Pheobe Street with access ramps and related impacts are shown in **Exhibit C**.

The existing topography, limited space between the tracks and adjacent roadways at Vulcan Avenue to the east and Hwy 101 to the west, and existing drainage and utilities make crossing over impracticable.

One of the most significant concerns is the time and inconvenience impacts in requiring pedestrians to take ramps, stairs, or elevators up to a proposed bridge. Federal Highway Administration (FHWA) and other pedestrian access studies have shown pedestrians are not likely to use a grade-separated crossing that requires significantly longer times or inconvenience than crossing at-grade, this is especially significant noting the community’s history and willingness to cross fences and the tracks along this rail corridor. Key take-aways from the crossing studies include:

- Pedestrian overcrossings are not recommended (except where local topography facilitate overhead crossing without ramps and elevated structures, such as if the railroad were depressed or in a trench, which is not our case)
- Elevators or excessive ramping may discourage use, and trespassing may continue due to inconvenience of use and time of travel

Other key issues, impacts, and concerns of the proposed overcrossing structures are listed below and many of the impacts are also shown in **Exhibit C**.

- Existing drainage channel between tracks and Vulcan Avenue - approx. 1.4 miles between Leucadia Boulevard to the south and Batiquitos Lagoon to the north, approx. 15' -20' east of the tracks
 - San Diego Association of Governments (SANDAG) has estimated the costs of addressing drainage channel at \$50-\$60M
- Underground utilities may potentially be impacted by structures/footings
 - Railroad Signal and Communications (locations to be confirmed by NCTD)
 - Fiber Optic (locations to be confirmed by NCTD)
 - High Pressure Natural Gas line
 - Storm Drain
 - Sewer
- Requires long ADA ramps or elevators
 - Exterior elevators are difficult to maintain in an ocean environment and pose potential safety risks that would require additional monitoring and enforcement
 - Ramps would be lengthy and impact existing parking, roadways, and pathways
 - Would significantly increase travel times and negatively impact ease of access/use
- Elevated structures would also impact local beach community site lines and aesthetics
- Elevated structures may require coastal commission reviews, permits, approvals

- Ramps, stairs, and elevators would require eliminating existing parking and may impact the City's Streetscape improvements (currently under construction)
- Local Community is not in favor

Overcrossing structures would create a significant impact to the project area and community, require significant utility and drainage impacts far in excess of the cost of the project crossings, and may not be used by the community, making them impracticable.

Undercrossing

Crossing under the tracks would require construction of stairs and ramps and/or elevators to provide access down to a new tunnel under the railroad, requiring a minimum of 5' of clearance beneath the tracks. Exhibits showing the conceptual placement and impacts of undercrossing structures at both Grandview Street and Pheobe Street, with access ramps and related impacts, are shown in **Exhibit C**.

The existing topography, limited space between the tracks and adjacent roadways at Vulcan Avenue to the east and Hwy 101 to the west, and existing drainage and utilities make crossing under the tracks impracticable.

Two significant concerns are the existing drainage and the impacts to existing utilities as shown in the exhibits and listed below. Utilities would need to be addressed by potentially costly relocation (see Option 1 – utilizing the minimum depth), or the tunnel structure and associated ramps and stairs would need to be lowered significantly (to approximately 34') to provide clearance for existing utilities (see Option 1 – requiring excessive tunnel depth, length and ramping). a deeper tunnel would significantly increase impacts to drainage, to time and inconvenience of use for pedestrians, and add difficulty in making the tunnel and ramps sufficiently open, inviting, and safe. Addressing drainage may be infeasible due to existing drainage issues and concerns along this rail corridor on both sides of the tracks. Hwy 101 has existing drainage issues in this section of the rail and roadway corridor including a history of regular flooding that would make it difficult to maintain the structures and likely overwhelm any pumps or systems implemented to assist in managing drainage

of the tunnel structures. City is currently doing some work near Grandview Street to address drainage, however it will not address the full project corridor and drainage issues will remain for the project area. The drainage channel between the tracks and Vulcan Avenue is another significant impact, as noted previously and repeated below.

Other key issues, impacts, and concerns of the proposed undercrossing structures are listed below and many of the impacts are also shown in **Exhibit C**.

- Existing drainage channel between tracks and Vulcan Avenue - approx. 1.4 miles between Leucadia Boulevard to the south and Batiquitos Lagoon to the north, approx. 15' -20' east of the tracks
 - SANDAG has estimated the costs of addressing drainage along Vulcan Avenue in the project area at \$50-\$60M
- Existing Drainage on Hwy 101 – history of regular drainage issues and flooding, tunnel pumps may not be sufficient
- Underground utilities may potentially be impacted by ramps, stairs and tunnel, or require significant depth to avoid, including:
 - Railroad Signal and Communications (locations to be confirmed by NCTD)
 - Fiber Optic (locations to be confirmed by NCTD)
 - High Pressure Natural Gas line
 - Storm Drain
 - Sewer
- Existing topography, utilities and other existing constraints make an open and inviting undercrossing infeasible. If not designed to be properly open, undercrossings or tunnels may:
 - be considered or feel unsafe or less secure
 - encourage undesirable behavior, and
 - require additional maintenance and enforcement
- Requires long ADA ramps or elevators (similar to the overcrossing alternative)
 - Exterior elevators are difficult to maintain in an ocean environment and pose potential safety risks that would require additional monitoring and enforcement

- Ramps would be lengthy and impact existing parking, roadways, and pathways
- Would significantly increase travel times and negatively impact ease of access/use
- Ramps, stairs, and elevators would:
 - Eliminate existing parking
 - Impact the City's Streetscape improvements and pathways
 - Impact Hwy 101
- Local Community is not in favor

Undercrossing structures would create a significant impact to the project area and community, require significant utility, drainage, roadway and pathway impacts, far more than the cost of the project crossings, and may not be used by the community, making them impracticable.

Future Double Track

SANDAG has current plans to double track this section of the rail corridor in the next decade. The double track conceptually envisions the new track being in the already constrained area east of the existing tracks, between the existing tracks and Vulcan Avenue.

In order to avoid impacts to the proposed grade separated structures from the future double track they would ideally be constructed to accommodate the future rail expansion. Accommodating the proposed track to the east would require widening the proposed bridge or tunnel and would move the proposed stairs, ramps, and/or elevator further east. These double track impacts are also shown conceptually in **Exhibit C** in red and additional key issues, impacts and concerns include:

- Additional parking impacts
- Additional impacts to the high-pressure natural gas line
- Impacts to Vulcan Avenue

The City also has noted potential concerns with the double track alignment that may impact any grade separated structures:

- Conceptual alignment is subject to change
 - The alignment is conceptually shown to the east of the existing track, but may require shifting to align with double track north of La Costa (which is to the west)
- City is proposing trenching of the double track in this area
- Any changes to the alignment may require demolition and rebuilding of grade-separated structures

Accommodating the proposed double track would further exacerbate the impacts to the project area, utilities, drainage, roadways and community. Furthermore, the undefined nature of the double track project may result in changes that cannot be properly accounted for when considering grade-separated crossings. The impacts of the future double track project increase the impracticability of any grade-separated crossings. Due in part to these future double track impacts and unknowns, the City is pursuing at-grade crossings to provide safer, efficient, legal access across the railroad and would recommend or consider future grade-separation as part of the future double track development, if warranted.

Environmental Resources and Impacts

Grade-separated crossings would either result in additional impacts compared to the adopted project or would result in alternative designs for structures which may have additional, undisclosed impacts to biological, tribal, or cultural resources which were not anticipated by the Project environmental assessment (See **Exhibit D**, Encinitas –Leucadia Ped and Bike Crossing Categorical Exemption Memo and **Exhibit E**, Encinitas - Leucadia Ped and Bike Crossing Cultural Resources Assessment Letter). Expanding the development footprint for a grade-separated crossing would potentially increase the impacts to these resources as well as increase the risk for potential hazardous material impacts within the rail corridor.

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 a pedestrian No. 9 warning device (gates, bells and flashers), R15-8 “LOOK”, 12” solid white cross walk line striping, chain link fencing and/or split railing along the ROW, swing gate, ADA detectable warning surface and lighting, in accordance with NCTD standards, the California Manual on Uniform Traffic Control Devices (CAMUTCD), and diagnostic team recommendations.

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:

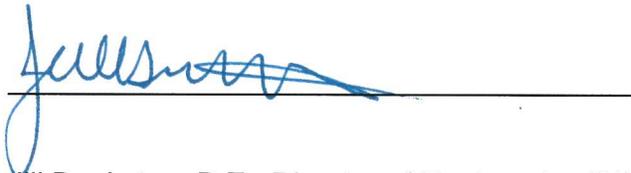
- i) **Exhibit A**, Railroad Milepost and Location Description for the proposed at-grade pedestrian crossings in Leucadia, City of Encinitas.
- ii) **Exhibit B**, Encinitas –Leucadia Proposed Preliminary Crossing Design and Vicinity Map, showing the Vicinity Map and key details in conformance with CPUC Rules of Practice and Procedure 3.7 (d), (e) and (f)
- iii) **Exhibit C**, Encinitas –Leucadia Grade Separation Impact Exhibits
- iv) **Exhibit D**, Encinitas –Leucadia Ped and Bike Crossing Categorical Exemption Memo
- v) **Exhibit E**, Encinitas - Leucadia Ped and Bike Crossing Cultural Resources Assessment Letter

WHEREFORE, Applicant, City of Encinitas (City), 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 new at-grade pedestrian crossings on the San Diego subdivision at Grandview Street with proposed CPUC crossing 106-235.66-D, and at Phoebe Street with proposed CPUC Crossing No. 106-236.12-D.

Date:

City of Encinitas

By:



Jill Bankston, P.E., Director of Engineering/City Engineer

City of Encinitas

505 S. Vulcan Avenue

Encinitas, CA 92024

760-633-2839

jbankston@encinitasca.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 | March 20, 2025 |
| 30 days Protest period | April 20, 2025 |
| 4 Months Proposed decision | July 20, 2025 |
| 6 Months Final decision | September 20, 2025 |

IF HEARING UNEXPECTEDLY BECOMES NECESSARY:

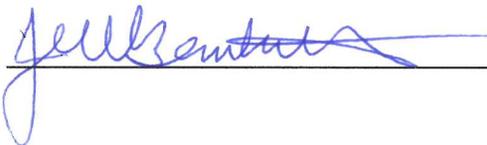
| | |
|--|--------------------|
| 6 months Prehearing conference | September 20, 2025 |
| 9 months Hearings | December 20, 2025 |
| 12 months Briefs due | March 20, 2026 |
| 13 months Submission | April 20, 2026 |
| 16 months Proposed decision (90 days after submission) | July 20, 2026 |
| 18 months Final decision (60 days after proposed decision is mailed) | September 20, 2026 |

VERIFICATION

(CPUC Rule 1.11)

I, Jill Bankston, have read the Application for authority to construct a new pedestrian at-grade crossings at Grandview Street and Phoebe Street on the San Diego Subdivision 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 March 13th 2025, at Encinitas, California

By:  (Applicant)

Jill Bankston, P.E., Director of Engineering/City Engineer
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024
760-633-2839
jbankston@encinitasca.gov