

Decision 26-02-010 February 5, 2026

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of City of Encinitas to Construct Two New Pedestrian At-Grade Crossing 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 25-03-014

DECISION AUTHORIZING THE CITY OF ENCINITAS TO CONSTRUCT TWO NEW AT-GRADE PEDESTRIAN RAIL CROSSINGS OF THE NORTH COUNTY TRANSIT DISTRICT'S SAN DIEGO SUBDIVISION AT GRANDVIEW STREET AT MILEPOST 235.66 AND AT PHOEBE STREET AT MILEPOST 236.12 IN THE CITY OF ENCINITAS AND COUNTY OF SAN DIEGO, CALIFORNIA

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**DECISION AUTHORIZING THE CITY OF ENCINITAS TO CONSTRUCT TWO
NEW AT-GRADE PEDESTRIAN RAIL CROSSINGS
OF THE NORTH COUNTY TRANSIT DISTRICT'S SAN DIEGO SUBDIVISION
AT GRANDVIEW STREET AT MILEPOST 235.66 AND
AT PHOEBE STREET AT MILEPOST 236.12 IN THE CITY OF ENCINITAS
AND COUNTY OF SAN DIEGO, CALIFORNIA**

Summary

This decision grants City of Encinitas authority to construct two at-grade pedestrian rail crossings across North County Transit District San Diego Subdivision tracks at Grandview Street at Milepost 235.66 and Phoebe Street at Milepost 236.12 in the City of Encinitas, County of San Diego, California.

The proceeding is closed.

1. Background

1.1. Procedural Background

On March 25, 2025, the City of Encinitas (Encinitas) filed Application (A.) 25-03-014 with its supporting Exhibits A through E¹ with the California Public Utilities Commission (CPUC or Commission) seeking authority to construct two at-grade pedestrian rail crossings across North County Transit District San Diego Subdivision (NCTD) rail tracks at Grandview Street at Milepost 235.66 and Phoebe Street at Milepost 236.12 in the Leucadia neighborhood in the City of Encinitas, County of San Diego, California (sometimes hereinafter the Proposed Crossings).²

The Proposed Crossings are part of Applicant Encinitas' larger *North Leucadia Pedestrian and Bicycle Rail Crossings Project* which proposes to construct new at-grade rail crossings for bicyclists and pedestrians along a 1.3-mile southern section

¹ See Application at Exhibit A (*Railroad Milepost and Location Description*), Exhibit B (*Leucadia Proposed Preliminary Crossing Design and Vicinity Map*), Exhibit C (*Encinitas – Leucadia Grade Separation Impact Exhibits*), Exhibit D (*Encinitas – Leucadia Ped and Bike Crossing Categorical Exemption Memo*), and Exhibit E (*Encinitas – Leucadia Ped and Bike Crossing Cultural Resource Assessment Letter*).

² Application at 3-4 and Exhibit A.

of the NCTD Los Angeles-San Luis Obispo (LOSSAN) rail corridor in the Leucadia neighborhood in Encinitas to improve pedestrian rail safety and pedestrian access to beaches, coastal resources, commercial areas, and residential neighborhoods (the Leucadia Project).³

Commissioner Darcie L. Houck and Administrative Law Judge (ALJ) Andrea D. McGary were assigned to this A.25-03-014 proceeding on April 4, 2025. On April 23, 2025, *Administrative Law Judge's Ruling Setting Remote Prehearing Conference & Prehearing Conference Statement Deadline* was issued, setting a prehearing conference (PHC) for May 9, 2025 and a joint PHC Statement deadline of May 5, 2025.

The Commission's Rail Safety Division (RSD) filed a Response to the Application on April 15, 2025.⁴ No other response or protest to A.25-03-014 was filed.

A PHC was held on May 9, 2025 to discuss the issues of law and fact, the need for hearing, and schedule for resolving this proceeding. During the PHC, ALJ McGary ordered Applicant Encinitas to supplement the proceeding record with information regarding:

1. The period of time needed to complete the construction of the proposed crossings; and
2. Any applicable analysis of the proposed construction's alignment with the Commission's Environmental and Social Justice Action (ESJ) Plan 2.0.⁵

³ Ibid.

⁴ See *Response of The Rail Safety Division To The Application Of The City of Encinitas To Construction Two At-Grade Pedestrian Railroad Crossing* (April 15, 2025) (RSD Response).

⁵ The Commission's ESJ Action Plan 2.0 (April 7, 2022) serves as a roadmap for implementing the Commission's vision to advance equity in its programs and policies for ESJ or disadvantaged communities and includes goals related to health and safety, consumer protection, program benefits, and enforcement in sectors regulated by the Commission.

Applicant Encinitas provided the requested supplemental information on May 28, 2025.⁶ *Assigned Commissioner's Scoping Memo and Ruling* (Scoping Memo) was issued on August 19, 2025.

1.2. Submission Date

This matter was submitted following issuance of the August 19, 2025 Scoping Memo.

2. Jurisdiction

The Commission has jurisdiction over railroad crossings per Public Utilities (Pub. Util.) Code Sections 1201 and 1202. The applicable safety and regulatory requirements are found in Pub. Util. Code Sections 1201-1205 and Section 99152. Rules 3.7 to 3.11 of the Commission's Rules of Practice and Procedure (Rules)⁷ also govern applications to construct crossings involving railroads and public roads.

3. Issues Before the Commission

The issues to be determined or otherwise considered are:

1. Does the Application meet all of the Commission's requirements, including Rule 3.7, to grant the City of Encinitas authority to construct two (2) at-grade pedestrian rail crossings across North County Transit District (NCTD) San Diego Subdivision tracks in the City of Encinitas, County of San Diego, California at:
 - a. Grandview Street: One new at-grade pedestrian rail crossing at Grandview Street on the NCTD San Diego Subdivision, Milepost 235.66; and
 - b. Phoebe Street: One new at-grade highway rail crossing at Phoebe Street on NCTD San Diego Subdivision, Milepost 236.12?
2. Has the Applicant complied with the California Environmental Quality Act (CEQA)?

⁶ *Response To Administrative Law Judge Inquiry* (May 28, 2025) (May 2025 Supplement).

⁷ All references to Rule or Rules in this decision refer to the Commission's Rules of Practice and Procedure, unless otherwise stated, at California Code of Regulations (CCR), Title 20, Division 1, Chapter 1.

3. Should the Commission grant the authority requested in A.25-03-014?
4. Should the Commission grant the Applicant a period of five (5) years from the Application approval date to complete the proposed project?
5. Does the Application align with or promote the achievement of the nine goals of the Commission's Environmental and Social Justice Action Plan?

4. Discussion

4.1. Filing, Safety and Engineering Requirements

In A.25-03-014, Encinitas requests authority from the Commission to construct two at-grade pedestrian rail crossings across NCTD San Diego Subdivision rail tracks at Grandview Street at Milepost 235.66 and Phoebe Street at Milepost 236.12 in the Leucadia neighborhood of the City of Encinitas, California, as identified below:

Crossing Name	City	County	North County Transit District Milepost	Grade	CPUC Nos.
Grandview Street	City of Encinitas, California	San Diego	235.66	At-grade Pedestrian-Rail Crossing	106-235.66-D
Phoebe Street	City of Encinitas, California	San Diego	236.12	At-grade Pedestrian-Rail Crossing	106-236.12-D

As discussed, the Proposed Crossings are part of Applicant’s larger Leucadia Project. Commission Rule 3.7 applies to construction of a public road, highway, or street across a railroad and is applicable here.⁸

Encinitas Application information included the following showing in support of its prove-up of Rule 3.7 compliance:

⁸ Rule 3.7 *Public Road Across Railroad*.

<u>Rule</u>	<u>Description</u>
3.7(a)	<p>The milepost, geographic coordinate information (longitude and legal description) for the Proposed Crossings, in compliance with Rule 3.7(a) are in the Application at pages 3-4 and its Exhibit A (<i>Railroad Milepost and Location Description</i>)</p> <p>Crossing Name: Grandview Street Proposed CPUC Crossing No.: 106-235.66-D Coordinates: 33.0762111, -117.3058972</p> <p>Crossing Name: Phoebe Street Proposed CPUC Crossing No. 106-236.12-D Coordinates: 33.0695581, -117.3036831</p>
3.7(b)	<p>Crossing identification Numbers of the Nearest Existing Public Crossings in the County of San Diego:</p> <p>Nearest Crossing (North: La Costa Avenue): CPUC Number 106-235.10-A, US DOT No. 026826N</p> <p>Nearest Crossing (South: Leucadia Boulevard): CPUC Number 106-236.50, US DOT No. 026827V⁹</p>

⁹ Application at 3. See also RSD Response Attachment A at A 2.

<u>Rule</u>	<u>Description</u>
3.7(c)	<p>3.7(c)(1) Public Interest: Rule 3.7(c) is only applicable to at-grade crossings. The A.25-03-014 Proposed Crossings involve construction of two at-grade pedestrian rail crossings across NCTD San Diego Subdivision rail tracks at Grandview Street at Milepost 235.66 and Phoebe Street at Milepost 236.12 in the Leucadia neighborhood in the City of Encinitas, County of San Diego, California along the southern section of the LOSSAN rail corridor. The Application includes a statement of the public need to be served by the Proposed Crossings as part of the larger Leucadia Project and how the Proposed Crossings may help “improve pedestrian and rail safety conditions within the project area and improve pedestrian access with Encinitas’ Leucadia community between beaches, coastal resources, commercial areas, and residential neighborhoods.”¹⁰</p> <p>3.7 (c)(2): Practicable Grade Separation: A.25-03-014 includes a statement and its Exhibit C indicating why a separation of grades is not practicable due to 1) existing railroad Right of Way (ROW), 2) limited space between the tracks and adjacent roadways Highway (Hwy) 101 and Vulcan Avenue, 3) impact on existing underground utilities (sewer, fiber optic, railroad signal and communications, high pressure natural gas line, and storm drain) 4) flood control drainage channel between the tracks, Vulcan Avenue, Leucadia Boulevard, and Batiquitos Lagoon, and 5) San Diego Association of Governments proposed future double track expansion.¹¹</p> <p>3.7(c)(3): Signs, Signals and Other Warning Devices: Drawings and descriptions of the signs, signals, or other crossing warning devices, including but not limited to passive warning devices (swing gates, bells, and flashers), striping, signs, chain link fencing as well as ROW split railing for the Proposed Crossings are presented in the Application as Exhibit B.¹²</p>
3.7 (d)	Maps and Drawings in compliance with Rule 3.7 (d), are included as Exhibit B to the Application. ¹³
3.7 (e)	Maps in compliance with Rule 3.7 (e) are included as Exhibit B to the Application. ¹⁴
3.7 (f)	Profiles showing required ground line, grade line, and rate of grade construction details for the Proposed Crossings, in compliance with Rule 3.7 (f), are included at Exhibit B to the Application.

¹⁰ Application at 3-4.

¹¹ Application at 6-11 and Exhibit C.

¹² Application at 11-12 and Exhibit B.

¹³ Application at Exhibit B.

¹⁴ *Ibid.*

The Commission's RSD was required to evaluate the proposed construction of the rail crossing herein.¹⁵ To this end, RSD initially conducted a field diagnostic review meeting, reviewed project documentations, and discussed the location and design of the Proposed Crossings with Applicant on June 29, 2023, with a follow-up on October 11, 2024.¹⁶ RSD found no safety concerns or issues with the Proposed Crossing, reviewed the Application on April 10, 2025, and filed its April 15, 2025 Response. RSD concluded that A.25-03-014 complied with the applicable safety and regulatory requirements provided in 1) Pub. Util. Code Sections 1201 through 1205, and 2) relevant Commission General Orders (GO) 72-B¹⁷ and GO 75-D,¹⁸ as follows:

1. Public Utilities Code Sections 1201 – 1205: Applicant applied to the Commission for authority to construct two new at-grade pedestrian rail crossings under the applicable Public Utilities Code Sections.
2. General Order 72-B:
[The at-grade] [c]rossing surface[s] . . . [are] in compliance with GO 72-B.
3. General Order 75-D:
Crossings identification and emergency notification telephone number will be posted to be in compliance with GO 75-D, Section 5.1.¹⁹

RSD has no objection to the construction of the Proposed Crossings and recommends the Commission approve A.25-03-014.²⁰

¹⁵ Pub. Util. Code § 99152.

¹⁶ See RSD Response at 2 and Attachment A at A-1.

¹⁷ Commission GO 72-B (*Rules Governing the Construction and Maintenance of Crossings at Grade of Railroads With Public Streets, Roads and Highways in the State of California*).

¹⁸ Commission GO 75-D (*Regulations Governing Standards for Warning Devices for At-Grade Highway-Rail Crossings in the State of California*).

¹⁹ See RSD Response at 2 and Attachment A at A-2.

²⁰ See RSD Response at 2 and 5.

After reviewing the Application and RSD's Response, the Commission finds that the Application does not currently pose any significant safety issues, is consistent with the Safety Policy Statement,²¹ and complies with the applicable Public Utilities Codes, the Commission's Rules, and General Orders for light rail public transit systems and crossings with public roads across railroads.

4.2. Environmental Review

The California Environmental Quality Act of 1970, as amended under Public Resources Code Sections 21000, *et seq.* CEQA requires state and local government agencies to inform decisionmakers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. CEQA applies to discretionary projects to be carried out or approved by public agencies. Here, the broader Leucadia Project in the County of San Diego, California of which the Proposed Crossing is a part, is subject to CEQA review for compliance or exemption.

Pursuant to CEQA, the lead agency is the public agency that carries out the project. For purposes of CEQA, the Commission is a responsible agency because the broader project, the Leucadia Project, of which the Proposed Crossing is a part, is being carried out by Encinitas as the lead agency, and the Commission's scope of discretionary authority is limited to the requested authorizations to construct the Proposed Crossings. As a responsible agency, the Commission must consider the lead agency's environmental impact documents and findings before acting on or approving the instant application.²² In its review, the Commission considered Applicant's proffered environmental impact documents for CEQA compliance or

²¹ The Commission adopted the Safety Policy Statement on July 10, 2014 and declared its ultimate safety goal as "zero accidents and injuries across all utilities and businesses we regulate, and within our own workplace."

²² CEQA Guidelines, 14 CCR §§ 15050(b) and 15096.

exemption as to 1) significant environmental impacts;²³ 2) mitigation measures and/or project alternatives that may eliminate or lessen any identified significant environmental impacts;²⁴ 3) existence of environmentally superior alternatives to the proposed project;²⁵ 4) review and exercise of independent judgment by the lead agency in preparing and completing a CEQA compliant environmental review document for the project;²⁶ 5) infeasibility of any identified mitigation measures or environmentally superior alternative;²⁷ and 6) overriding considerations for identified significant unavoidable impacts.²⁸

If the Commission chooses to approve the Proposed Crossing, it will be responsible for mitigating and/or avoiding environmental effects associated with the construction of the approved crossing.

As referenced, the Proposed Crossing is part of Applicant's Leucadia Project which aims to improve access and rail safety for pedestrian and bicycle users as well as improve pedestrian access between beaches, coastal resources, commercial areas, and residential neighborhoods within the Leucadia community in the City of Encinitas in San Diego, County, California.

Applicant submitted a CEQA Categorical Exemption Memo date August 1, 2024 in support of this A.25-03-014 proceeding.²⁹ Encinitas, in collaboration with its environmental consulting service Rincon Consulting, Inc., prepared the August 2024 CEQA Memo in its capacity as the lead CEQA agency and as the public agency

²³ CEQA Guidelines, 14 CCR § 15126.2.

²⁴ CEQA Guidelines, 14 CCR §§ 15126.4 and 15126.6.

²⁵ CEQA Guidelines, 14 CCR § 15126.6(e)(2).

²⁶ CEQA Guidelines, 14 CCR § 15090.

²⁷ CEQA Guidelines, 14 CCR § 15091(a)(3).

²⁸ CEQA Guidelines, 14 CCR §§ 15093.

²⁹ Application at 11 and Exhibit D at *CEQA Categorical Exemption Memorandum for the North Leucadia Pedestrian and Bicycle Rail Crossing Project in the City of Encinitas, San Diego County, California*, August 1, 2024 (August 2024 CEQA Memo)

approving, and carrying out the larger Leucadia Project. Applicant's CEQA Memo included analysis of conceptual plans, biological resources assessments, and cultural resource assessment.³⁰

The larger Leucadia Project consists of installation of two pedestrian at-grade railroad crossings on the NCTD San Diego Subdivision, along a 1.3-mile southern section of the LOSSAN Rail Corridor in the Leucadia neighborhood of Encinitas, California described in pertinent part as:

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).³¹

Applicant puts forth the August 2024 CEQA Memo in support of its proposition that the Leucadia Project, for which the Proposed Crossings are a part, will not have a significant impact on the environment and is exempt as a Class 3 CEQA Exemption³² pursuant to Section 15303 of CEQA Guidelines (Class 3 Exemption) as a project involving:

[T]he construction of a limited number of new structures at both crossing locations, including bollards and pedestrian railing, a

³⁰ Application at Exhibit D (August 2024 CEQA Memo) at Attachment A (*Conceptual Plans*), Attachment B (*Biological Resources Assessment Memorandum Report for the North Leucadia Pedestrian and Bicycle Rail Crossing Project in Encinitas, San Diego County, California* dated May 30, 2024), and Attachment C (*Cultural Resources Assessment Letter Report for the North Leucadia Pedestrian and Bicycle Rail Crossing Project in Encinitas, San Diego County, California* dated June 21, 2024).

³¹ Application at 3-4 and Exhibit D.

³² CEQA Guidelines, 14 CCR §15303 (*New Construction or Conversion of Small Structures*) exemption:

[C]onstruction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

ramp approaching the east side of the railroad tracks, a crossing area over the tracks, and a second ramp on the west side of the railroad tracks . . . operation of the project would be similar to existing maintenance activities and the project would not accommodate additional demand.³³

The August 2024 CEQA Memo also includes mitigation measures to avoid and minimize potential for environmental impacts to nesting birds, inadvertent encounters with archaeological resources during ground disturbance, and unanticipated discovery of human remains.³⁴

Assertion of a Class 3 Exemption does not automatically exempt the Proposed Crossings from CEQA review. In its review, the Commission considered Applicant's proffered August 2024 CEQA Memo for CEQA compliance and the asserted Class 3 Exemption,³⁵ such as 1) significant environmental impacts;³⁶ 2) mitigation measures and/or project alternatives that may eliminate or lessen any identified significant environmental impacts;³⁷ 3) existence of environmentally superior alternatives to the proposed project;³⁸ 4) review and exercise of independent judgment by the lead agency in preparing and completing a CEQA compliant environmental review document for the project;³⁹ 5) infeasibility of any identified mitigation measures or

³³ Application at Exhibit D at 9. See also CEQA Guidelines, 14 CCR §§ 15003 (*General Concepts*) and 15303.

³⁴ Application, Exhibit D at 4-5, Section AMM-1 (*Pre-Construction Nesting Bird Surveys*), Section AMM-2 (*Unanticipated Discovery of Cultural Resources*), and Section AMM-3 (*Unanticipated Discovery of Human Remains*).

³⁵ CEQA Guidelines, 14 CCR § 15300 (*Categorical Exemptions*) and § 15300.2 (*Exceptions*).

³⁶ CEQA Guidelines, 14 CCR § 15126.2.

³⁷ CEQA Guidelines, 14 CCR §§ 15126.4 and 15126.6

³⁸ CEQA Guidelines, 14 CCR § 15126.6(e)(2)

³⁹ CEQA Guidelines, 14 CCR § 15090

environmentally superior alternative;⁴⁰ and 6) overriding considerations for identified significant unavoidable impacts.⁴¹

The August 2024 CEQA Memo found no significant impacts to the environment in construction of the Proposed Crossings beyond two new safe and legal rail crossings, requiring only:

[P]aving of a small area adjacent to Vulcan Drive with asphalt concrete, installation of bollards and pedestrian railing on either side of the newly paved areas, construction of a ramp approaching the east side of the railroad tracks, removal of rail ties, removal and replacement of approximately 20 linear feet of rails, surfacing of the crossing area across the railroad tracks, and construction of a second ramp on the west side of the railroad tracks in the unpaved area adjacent Highway 101.⁴²

Risk of potential unintended impacts to nesting birds and unanticipated discovery of archaeological and cultural resources, and human remain, were identified but significant impacts could be avoided by implementation of Applicant's proposed avoidance and minimization measures.⁴³

The August 2024 CEQA Memo also reviewed location, cumulative impact, significant effect, scenic highway, hazardous waste site, and historical resource factors to assess whether any CEQA Guideline exceptions existed to Applicant's claimed Class 3 Exemption. Encinitas determined that no exceptions existed.⁴⁴

Based on the August 2024 CEQA Memo provided by Encinitas as well as the record of this proceeding, the Commission finds that Applicant 1) has made a

⁴⁰ CEQA Guidelines, 14 CCR § 15091(a)(3)

⁴¹ CEQA Guidelines, 14 CCR §§ 15093

⁴² Application, Exhibit D at 4.

⁴³ Application at Exhibit D at 4-5 Section AMM-1 (*Pre-Construction Nesting Bird Surveys*), Section AMM-2 (*Unanticipated Discovery of Cultural Resources*), Section AMM-3 (*Unanticipated Discovery of Human Remains*).

⁴⁴ Application at Exhibit D at 6-9 (*Discussion of CEQA Guidelines 15300.2 Exceptions*). See also CEQA Guidelines, 14 CCR § 15300 (*Categorical Exemptions*) and § 15300.2 (*Exceptions*).

sufficient showing that the Proposed Crossings are new construction or conversion of small structures, 2) have no significant environmental impact, and 3) are statutorily and categorically exempt from CEQA.⁴⁵ Accordingly, the Commission finds that authority to construct the Proposed Crossings sought in A.25-03-014 is categorically exempt under CEQA.

4.3. Impact on Environmental and Social Justice Communities

On April 7, 2022, the Commission adopted Version 2.0 of the ESJ Action Plan which was approved in Public Agenda 3505 as Item #45 (Agenda ID #20479). The ESJ Action Plan serves as a roadmap for implementing the Commission's vision to advance equity in its programs and policies for ESJ or disadvantaged communities and includes goals related to health and safety, consumer protection, program benefits, and enforcement in sectors regulated by the Commission.

As discussed, the Proposed Crossings are part of Applicant's Leucadia Project. Encinitas' purpose for the Leucadia Project is to improve options for residents to legally and safely cross the NCTD San Diego Subdivision, along a 1.3-mile southern section of the LOSSAN Rail Corridor in the Leucadia neighborhood in the City of Encinitas, County of San Diego, California.⁴⁶ Applicant asserts the Proposed Crossings will extend rail safety and "create improved public access for pedestrians and cyclists as well as for residents in the neighborhoods located on either side of the railroad tracks by providing safer, more direct access between neighborhoods, parking, businesses, and beaches" and aligns with Section 3.3 of the ESJ Action Plan.⁴⁷

⁴⁵ CEQA Guidelines 14 CCR §15303 (*New Construction or Conversion of Small Structures*), §15300 (*Categorical Exemptions*) and § 15300.2 (*Exceptions*).

⁴⁶ Application at 4.

⁴⁷ May 2025 Supplement at 2.

Based on our review, the Leucadia Project and the Proposed Crossings align with the Commission's ESJ Action Plan Goal 3.3 to "bolster safety along rail lines in ESJ communities."⁴⁸

Accordingly, we conclude that the Proposed Crossings do not have adverse economic and environmental impacts and align with Goal 3.3 of the nine goals of the Commission's ESJ Action Plan.

4.4. Five Years to Complete the Proposed Crossings

The design for the Leucadia Project's Proposed Crossing are not yet finalized but Encinitas estimates that its proposed construction activities can be completed in five years. RSD does not object to the requested five-year time period but does request that Applicant continue to work with it to finalize the design of the Proposed Crossings. The five-year period to construct the Proposed Crossings in the City of Encinitas, County of San Diego, California is reasonable and therefore granted.⁴⁹

5. Conclusion

As discussed in the preceding sections, the Proposed Crossing in the Application complies with the requirements set forth in Rule 3.7 as well as the relevant sections of GO 72-B and GO 75-D. The Application also complies with CEQA review and exemption requirements and aligns with several of the goals of the Commission's ESJ Action Plan.

We therefore conclude that construction of the Proposed Crossings should be authorized, and the Application should be granted. Encinitas should be granted a period of five years from the date of this decision within which to complete construction of the Proposed Crossings.

⁴⁸ See ESJ Action Plan 2.0, Goal 4 (*Increase climate resiliency in ESJ communities*).

⁴⁹ Application, Exhibit B. See also May 2025 Supplement at 1-2. See also RSD Response at 2.

Finally, we also find it reasonable to adopt and do hereby adopt RSD's recommended language, in part, for the Commissioner's Ordering Paragraphs in this decision.

6. Summary of Public Comment

The Commission encourages and welcomes comments from the public on issues and proceedings to help us reach informed decisions. Commission Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the "Public Comment" tab of the online Docket for that proceeding on the Commission's website. Rule 1.18(b) requires that relevant written comments submitted in a proceeding must be summarized in the final decision issued in that proceeding.

In this A.25-03-014 proceeding, three comments from residents of Encinitas were posted to the Docket card. Collectively, the three Public Commenters generally support the construction of Proposed Crossings for their potential improvement to safety conditions. However, two of the three Public Commenters expressed a preference for construction of underground tunnels rather than the proposed at-grade crossings, with one member of the public detailed concerns about potential interference with sleep and rest patterns from at-grade noise producing safety devices such as horns, rather than underground placements. One proponent also expressed strong support for the proposed improvements to ingress and egress options for residents to legally and safely access beaches and businesses on each side of the current NCTD railroad track configuration in the Leucadia neighborhood in Encinitas.

7. Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, as provided in Rule 14.6(c)(2), the otherwise applicable 30-day public review and comment period for this decision is waived.

8. Assignment of Proceeding

Commissioner Darcie L. Houck is the assigned Commissioner and Andrea D McGary is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The at-grade pedestrian and bicycle rail crossings requested in this Application must comply with the requirements set forth in Rule 3.7 of the Rules of Practice and Procedure.

2. Encinitas provided information showing compliance with the requirements set forth in Rule 3.7.

3. RSD conducted a diagnostic review of the Proposed Crossings with Encinitas staff on June 29, 2023 and October 11, 2024, respectively.

4. RSD found no safety issues and concluded that the request complies with the applicable regulatory and safety requirements.

5. The Application was filed prior to commencing construction of the Proposed Crossings.

6. The Proposed Crossings are part of the Leucadia Project, which proposes to construct two new at-grade rail crossings for bicyclists and pedestrians of the NCTD San Diego Subdivision rail tracks at Grandview Street at Milepost 235.66 and Phoebe Street at Milepost 236.12 in the Leucadia neighborhood in the City of Encinitas, County of San Diego, California along a 1.3 mile southern section of the LOSSAN Rail Corridor to improve pedestrian rail safety and pedestrian access to beaches, coastal resources, commercial areas, and residential neighborhoods.

7. The Proposed Crossings, as part of the larger Leucadia Project, will benefit the safety and access of residents and visitors to the beaches, coastal resources, commercial areas, and residential neighborhoods of the Leucadia community of Encinitas.

8. The construction of the Proposed Crossings and the Leucadia Project] meets the goals of the Commission’s ESJ Action Plan 2.0 toward improvement of access to transportation and safety along rail lines in ESJ communities.

9. The Proposed Crossings align with the Commission’s ESJ Action Plan 2.0.

Conclusions of Law

1. The Application complies with the applicable provisions of Rules of Practice and Procedure, including Rule 3.7, GO 72-B, and GO 72-D.

2. The August 2024 CEQA Memo prepared for the Leucadia Project, including the Proposed Crossings, is adequate for our decision-making purposes.

3. The Application and the August 2024 CEQA Memo comply with CEQA review and exemption requirements.

4. The Proposed Crossing is exempt from CEQA pursuant to Public Resources Code Section 21084 and CEQA Guidelines, 14 CCR Section 15303 (*New Construction or Conversion of Small Structures*).

5. The construction of the Proposed Crossings align with and promotes Goal 3.3 (*Extend Rail Safety to ESJ Communities*) of the Commission’s ESJ Action Plan 2.0.

6. The Proposed Crossing, in this Application, should be approved and the requested authorization to construct should be granted.

7. Encinitas should be granted a period of five years to complete construction of the Proposed Crossing.

8. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. Application 25-03-014 filed by the City of Encinitas on March 21, 2025 is granted.

2. The City of Encinitas is authorized to construct two at-grade pedestrian rail crossings across North County Transit District San Diego Subdivision tracks at

Grandview Street at Milepost 235.66 and Phoebe Street at Milepost 236.12 in the Leucadia neighborhood in the City of Encinitas, County of San Diego, California.

3. The authorized Crossings shall have the configurations described and specified in the application and its exhibits, attachments, and appendices and shall continue to work with the California Public Utilities Commission’s Rail Crossings and Engineering Branch of the Rail Safety Division to finalize the design of the authorized Crossings.

4. The Crossings shall be identified by the following California Public Utilities Commission Crossing Numbers (CPUC Nos.):

Crossing Name	City	County	North County Transit District Milepost	Grade	CPUC Nos.
Grandview Street	City of Encinitas, California	San Diego	235.66	At-grade Pedestrian Rail Crossing	106-235.66-D
Phoebe Street	City of Encinitas, California	San Diego	236.12	At-grade Pedestrian Rail Crossing	106-236.12-D

5. The City of Encinitas shall coordinate with the North County Transit District to obtain and assign a United States Department of Transportation Crossing Identification Number for the authorized crossings and submit them to the California Public Utilities Commission’s Rail Crossings and Engineering Branch of the Rail Safety Division.

6. The City of Encinitas shall comply with all applicable rules, including the California Public Utilities Commission’s General Orders, California Manual on Uniform Traffic Control Devices, and the Americans with Disabilities Act.

7. The City of Encinitas shall notify the California Public Utilities Commission's Rail Safety Division, Rail Crossings and Engineering Branch at least 30 days prior to the opening of the crossing. Notification should be made by email to rceb@cpuc.ca.gov.

8. The City of Encinitas shall have its design build contractor provide a compliance filing of 100 percent design level drawings for the crossings to the California Public Utilities Commission's Rail Safety Division, Rail Crossings and Engineering Branch no later than 60 days prior to commencing construction. The compliance filing will serve to demonstrate conformance with the crossing designs approved in this Order.

9. The City of Encinitas shall review its design build contractor's compliance filing of 100 percent design level drawings for the crossings for conformance with their applicable standards.

10. Within 30 days after completion of the work authorized by this decision, the City of the Encinitas shall notify the California Public Utilities Commission's Rail Safety Division, Rail Crossings and Engineering Branch by submitting a completed California Public Utilities Commission Standard Form G (*Report of Changes at Highway Grade Crossing and Separations*), for the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site at www.cpuc.ca.gov/crossings. The completed report must be submitted via email to rceb@cpuc.ca.gov.

11. Within 30 days after completion of the work authorized by this decision, the City of the Encinitas shall provide the California Public Utilities Commission's Rail Safety Division, Rail Crossings and Engineering Branch with copy of an executed maintenance agreement between the City of Encinitas and the North County Transit District for the authorized at-grade pedestrian rail crossings.

12. This authorization shall expire if not exercised within five years of the issuance of this decision unless time is extended or if the above conditions are not

satisfied. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

13. A request for extension of the five-year authorization must be submitted to the California Public Utilities Commission's Rail Safety Division, Rail Crossings and Engineering Branch at least 30 days before the expiration of that period. A copy of the extension request shall be sent to all interested parties.

14. Application 25-03-014 is closed.

This order is effective today.

Dated February 5, 2026, at Sacramento, California.

ALICE REYNOLDS
President
DARCIE L. HOUCK
JOHN REYNOLDS
KAREN DOUGLAS
MATTHEW BAKER
Commissioners