

**CALIFORNIA COASTAL COMMISSION**

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# Th7a

## DRAFT LETTER

February 21, 2019

Rob Rundle  
Principal Regional Planner  
SANDAG  
401 B St., Suite 800  
San Diego, CA 92101-4231

Re: **NE-0001-19**, SANDAG, No Effects Determination for Modification to previously concurred with Consistency Certification CC-0004-15 for the San Elijo Lagoon Double Track Project, Encinitas/Solana Beach, San Diego County

Dear Mr. Rundle:

On May 11, 2016, the Commission concurred with a consistency certification submitted by the San Diego Association of Governments (SANDAG) for a 1.5-mile segment of double-track, between southern Encinitas and northern Solana Beach, and across San Elijo Lagoon. The project included a number of elements, including: (1) replacing "Bridge 240," a wood trestle bridge which traverses the lagoon's entrance channel, with a wider (but with less fill in the lagoon) concrete pile bridge; (2) widening and raising the height of the berm supporting the rail line across the lagoon; (3) making a number of signal, street crossing, and pedestrian crossing improvements; (4) installing riprap bank protection underneath the bridge; (5) installing culverts to maximize tidal flows; (6) construction of a temporary construction work berm for the bridge replacement; (7) making temporary and permanent infrastructure improvements; and (8) creating several staging areas to enable site access, construction, and equipment assembly.

SANDAG now requests authorization of a modification to the last of these elements - SANDAG requests permanent retention of the temporary construction of the access maintenance road/ramp on the north side of the lagoon, which provides access to the east side of the tracks from San Elijo Ave. In its original proposal SANDAG had indicated that it had intended to use an "at-grade" crossing for future track maintenance. However, in its request for authorization of permanent retention of this feature, SANDAG indicates that state and federal agencies have urged reductions in at-grade crossings, and that the east side access road are needed to improve worker safety. SANDAG states:

*However, the at-grade crossings require maintenance workers to cross two sets of active railroad tracks 6 times in order to maintain the newly constructed bridge each time maintenance is required. The timetable speed for passenger trains through this section of track is 90 miles per hour. An incident involving a high-speed passenger train and a maintenance worker or vehicle could lead to serious injury or loss of life for the workers or passengers onboard the train. Additionally, the Federal Rail Administration (FRA) and California Public Utilities Commission (CPUC), the two public agencies which regulate railroad operations, have identified the reduction in the number of at-grade crossings as a mission on freight or passenger railroad mainlines in California.*

*As a result of these safety conflicts, the North County Transit District (NCTD, owner and operator of rail service in this region) has requested to leave in place an access road to the newly constructed bridge. This access road was originally intended for construction access to build the bridge. If approved by the Commission, the access road would remain in its place and serve as a maintenance road for NCTD. As shown on the attached plan sheet, the access road would have a driving surface 12.5 feet wide and approximately 250 feet in length. The addition includes a chain and bollard barrier approximately 45 feet from the top of the ramp. There will also be approximately 775 linear feet of 6-foot-tall chain link fencing at the bottom of the slope, parallel to the access road which was previously approved as part of this project. The fencing will include a 16-foot-wide chain link gate for NCTD to access the tracks and access road. These details can be found in the attached plan sheet for the proposed access road.*

In addition to the state and federal agency positions outlined above, SANDAG states that the Mayor of Encinitas has indicated the City's support for the modification; SANDAG has included 2 public agency letters of support, one from the Mayor to NCTD, dated November 29, 2018, and one from NCTD to SANDAG, dated October 25, 2018 (both letters are attached).

In addition, the Commission staff has requested information from SANDAG on multiple occasions concerning effects on coastal zone resources from the proposed change, including information concerning the need for and the anticipated extent of use of the road, impacts on sensitive habitat, water quality, alternatives, and view protection. SANDAG's responses established that adequate sensitive habitat mitigation would be provided to cover the long-term retention of the road, that the graded slope of the road would be revegetated with native species, that public parking availability would not be diminished, and that the width of the road has been minimized to the extent feasible (SANDAG agreed to narrow its width by 5 ft.). Concerning public parking, SANDAG notes that the existing parking along San Elijo Ave. is "unofficial," but in any event the space available to the public for parking would not be diminished. Concerning how often the access road would be needed, SANDAG states that "NCTD anticipates using the ramp on a monthly basis, on average, for inspection, barring any emergencies."

Concerning water quality, SANDAG's responses include the following:

Request: Water quality infrastructure/BMP clarification

Response: The lagoon discharge point for this area is very similar to pre-project conditions and to the design in our conformed plans. The water from the impervious surface of the ramp will drain, along with the off-site water, through a rip-rap and filter fabric lined channel before it infiltrates into the Lagoon. As shown on the exhibit, the increase in onsite discharge is minimal compared to the offsite discharge.

In a more specific response, SANDAG listed the following changes to drainage proposed as a result of making access road permanent:

- Improvements for Drainage Path (1)
  - 100 SF of Grouted rip rap cobble - To dissipate the outfall from the existing 12" pipe off San Elijo Avenue
  - 2' Wide Brow Ditch per SDRS Type B – To protect San Elijo ramp from erosion in lieu of letting the drainage sheet flow over the road and down slope.
- Improvements for Drainage Path (2)
  - type 9 Ditch – Replaces Type 5 Ditch -Both are similar No.2 Backing lined channels with slightly differing dimensions
  - INSTALL 18" ADS HP Storm pipe – under the ramp to keep site drainage flowing towards the existing discharge point
  - Type 10 - CONSTRUCT NO.2 BACKING LINED CHANNEL W/ NON-WOVEN GEOTEXTILE – REPLACES EARTHEN SHEET FLOW DITCH. - This ditch was required in lieu of the earthen sheet flow ditch to dissipate the increased velocities of flow coming down the access road from Drainage path (1). This ditch prevents erosion and drains both flow path (1) and (2) back towards the existing discharge point.

With respect to visual impacts, SANDAG notes that the impacts on public views would be minimal due to the grade of the road which slopes downhill from San Elijo Ave., the fact that the graded slope would be revegetated (minimizing visual impacts from views from the shoreline or Highway 101), and that chain link fencing needed to protect against public access to the tracks will be set very low in elevation so as not to be visually intrusive. This last point

was a response to the Commission staff's request for more consideration of visually aesthetic fencing, as has been agreed to by SANDAG for other, more visible, at grade crossings in other areas of its tracks. On this point, SANDAG indicated:

*...[T]he gate proposed towards the top of the ramp is a chain and bollard gate that's less than 4 feet tall. At this height, people can easily hop over it or probably even walk around it. NCTD does not believe this is sufficient to keep people from crossing the tracks. This gate was purposefully kept minimal to avoid any visual impacts from nearby residents on San Elijo Avenue and from Hwy 101. The chain link fencing at the bottom near the track is to prevent members of the public from injuries and/or death from being hit by a train. The intention was that this fencing is being installed at much lower elevation to minimize visual impacts. Because this fencing is on the east side of the railroad berm, it likely won't be seen from those on Hwy 101.*

Under the federal consistency procedures (15 CFR Section 930.65), the Commission reviews project modifications and any changed circumstances to determine whether a previously-concurred-with activity remains consistent with the Coastal Act, or whether the modifications and or changed circumstances render the project: (1) substantially different than originally described; and (2) no longer consistent with the applicable Coastal Act policies. The Commission staff is still in the process of working with SANDAG to determine whether additional water quality measures could be implemented, or a less visually intrusive fencing style could be used other than chain link fencing. If those issues can be satisfactorily resolved, the Commission staff would be able to **agree** with SANDAG that the modified project would not affect the coastal zone in a manner that would render the project no longer consistent with the enforceable policies of the California Coastal Management Program, and that, as modified, the activity therefore remains consistent with the applicable Coastal Act policies.

We therefore **concur** with your "no effects" determinations for these modifications. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

(for) JOHN AINSWORTH  
Executive Director

Attachments – Exhibits and Correspondence (see next page for list)

cc: San Diego District  
Federal Transit Administration  
U.S. Army Corps of Engineers

**Exhibits**

1. Project Location
2. Project Footprint
3. Pre-project Parking Conditions Along San Elijo Ave.
4. Post-project Parking Conditions Along San Elijo Ave.
5. NCTD Letter to SANDAG
6. Mayor of Encinitas Letter to NCTD
7. Exhibit 7 – Photograph from west
8. Exhibit 8 – Photograph from across Highway 101
9. Exhibit 9 – Photograph from southwest
10. Exhibit 10 – Photographs from/along San Elijo Ave

**Correspondence**

1. John and Sheryl Kies, Letter to CCC, Jan. 25, 2019