

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Placentia for authority/order to construct a grade separated underpass at the existing at-grade crossing of Melrose Street, existing Public Utilities Commission Crossing No. 2B-43.10, D.O.T. No. 026576-D, within the County of Orange.

Application 02-02-022
(Filed February 22, 2002)

O P I N I O N**Summary**

The City of Placentia (City) requests authority to remove the existing at-grade crossing at Melrose Street over Burlington Northern Santa Fe Railway Company's (BNSF) San Bernardino Subdivision (2B Line) tracks, and to construct a grade-separated underpass at its current location, in Placentia, Orange County.

Discussion

On August 13, 2001, the City filed Application (A.) 01-08-016 to request authority to modify 11 crossings along what is commonly know as the Placentia Corridor of BNSF's 2B Line. A.01-08-016 states that two of the 11 crossings, including the Melrose Street at-grade crossing (the subject of this application), are to be grade-separated. In a letter dated November 6, 2001, the City requested that Commission staff temporarily hold A.01-08-016 from further processing, while they continue their efforts to resolve certain issues with Southern

California Regional Rail Authority, which operates commuter trains on this line. Grade-separating Melrose Street is not one of the unresolved issues.

Due to its current unsafe design, Melrose Street was selected as one of the two crossings to be grade-separated. Unlike the other nine crossings subject to A.01-08-016, upgrading the warning devices at Melrose Street would have not sufficiently improved the safety of the crossing.

The City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Section 21000 et seq. The City has determined that this project is categorically exempt from CEQA review under PR Code Section 21080.13, which states:

This division shall not apply to any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation.

Due to the fact that the new crossing shall be grade-separated, protection at the crossing is not necessary.

On May 15, 2001 a Notice of Exemption (NOE) was mailed by the City to the Office of Planning and Research and to Orange County Clerk Office. The NOE, which is included in Appendix B, advises all interested parties that the City authorized the Melrose Street Grade Separation Project and applied the Section 21080.13 CEQA exemption.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency exemption determination. The Commission finds that the facts of this case appropriately warrant application of the CEQA exemption adopted by the City. Therefore, we similarly adopt the Section 21080.13 exemption for purposes of our approval. The Commission's

Rail Safety and Carrier Division staff inspected the site of the proposed project, examined the safety of the proposed grade crossing, and recommends that the application be approved.

The application was found to be in compliance with the Commission's filing requirements, including Rules 38-41 of the Rules of Practice and Procedure, which relate to the construction of railroad crossings. A site map and detailed drawing of the underpass structure are shown in Appendix A.

In Resolution ALJ 176-3083, dated March 6, 2002 and published in the Commission Daily Calendar on March 7, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed and no hearings were held, this preliminary determination remains accurate. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3083.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on February 26, 2002. There are no unresolved matters or protests; a public hearing is not necessary.

2. The City requests authority, under Public Utilities Code Sections 1201-1205, to remove the existing at-grade crossing at Melrose Street over BNSF's 2B

Line, and to construct a grade-separated underpass at its current location, in the City of Placentia, Orange County.

3. The grade-separation of Melrose Street is required to completely eliminate the hazard of train-vehicle collisions and motor traffic delays due to train movements.

4. Public convenience, safety and necessity require the construction of the Melrose Street grade-separation.

5. This project is statutorily exempt from CEQA under PR Code Section 21080.13.

6. An NOE was mailed on May 15, 2001, to the Office of Planning and Research and to Orange County Clerk Office, which stated that the proposed project is statutorily exempt.

7. The City is the lead agency for this project under CEQA, as amended.

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's exemption determination.

Conclusion of Law

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

O R D E R

IT IS ORDERED that:

1. The City of Placentia (City) is authorized to eliminate the existing at-grade crossing of Melrose Street and Burlington Northern Santa Fe Railway Company's San Bernardino Subdivision tracks through the construction of a grade-separated underpass, as more fully described in the application, to be identified as Crossing 2B-43.10-B, in Orange County.

2. Upon commencement of construction, the existing at-grade crossing shall be closed and physically removed. Pedestrian and vehicular traffic shall be excluded from the use of Melrose Street crossing.

3. Upon completion of the underpass, Melrose Street shall be reopened to pedestrian and vehicular traffic.

4. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.

5. Construction and maintenance costs shall be borne in accordance with an agreement, which has been entered into between the parties. A copy of the agreement shall be filed with the Commission prior to starting construction.

6. Within 30 days after completion of the work under this order, the City shall notify the Commission in writing that the authorized work was completed.

7. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

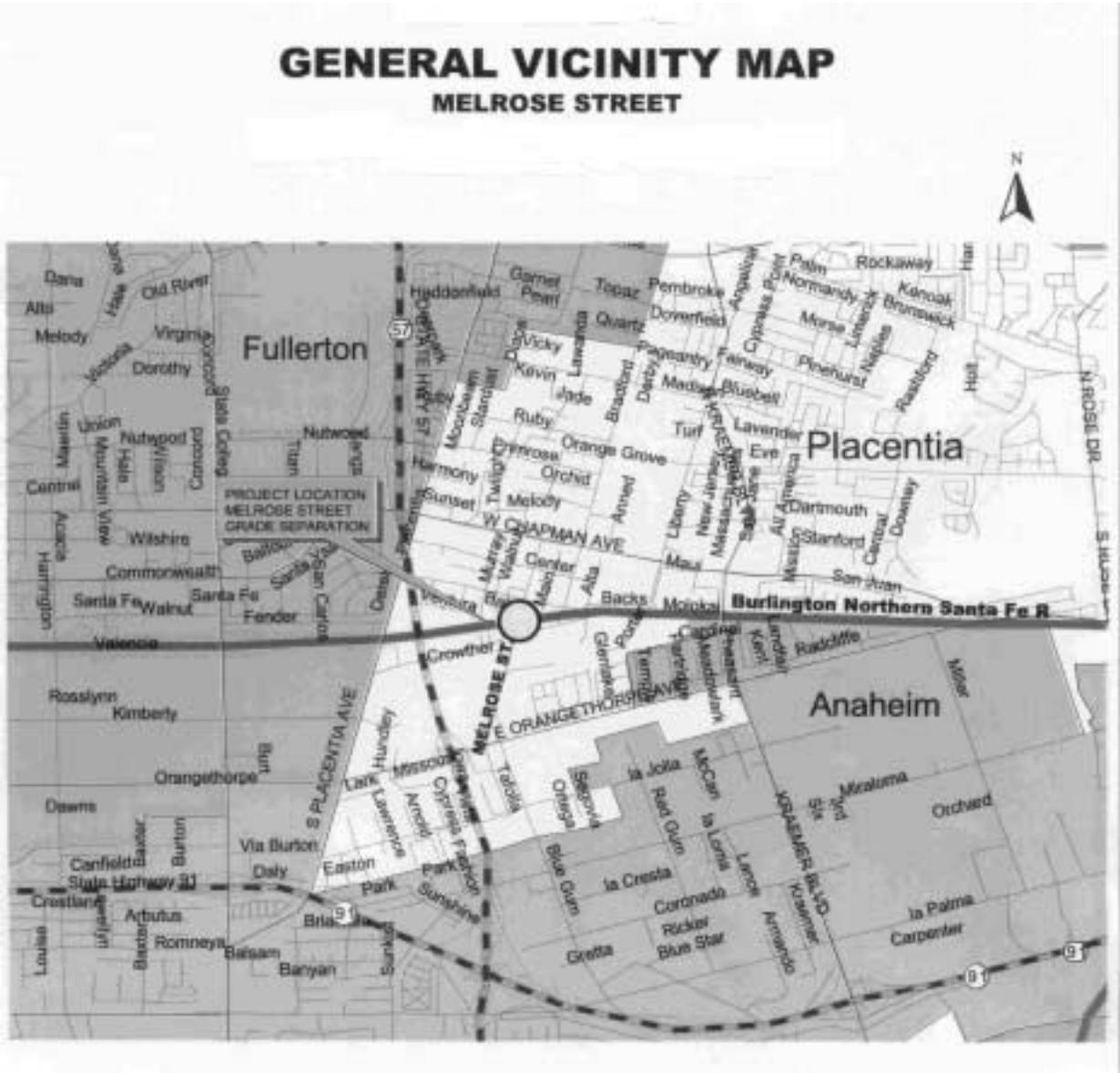
8. The application is granted as set forth above.

9. Application 02-02-022 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

APPENDIX A



APPENDIX B

Notice of Exemption

TO Office of Planning and Research From: (Public Agency) _____
 1400 Tenth Street, Room 121 On Trac/City of Placentia
 Sacramento, CA 95814 401 E. Chapman, Placentia, CA 92870

County Clerk
 County of Orange
12 Civic Center Drive, Santa Ana, CA 92702

Melrose Avenue Rail Grade Separation Project
 Project Title
Melrose Avenue at the existing BNSF crossing
 Project Location-Specific
Placentia, California Orange County
 Project Location-City Project Location-County
Grade separate an existing railroad grade crossing to benefit public safety.
 Description of Nature, Purpose, and Beneficiaries of Project

On Trac/City of Placentia
 Name of Public Agency Approving Project
Chris Becker
 Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

- Ministerial (Sec. 21080 [b][1]; 152658):
- Declared Emergency (Sec. 21080[b][3]; 15269[a])
- Emergency Project (Sec. 21080[b][4]; 15269[b][c]):
- Categorical Exemption. State type and section number:
- Statutory Exemptions. State code number: (Sec. 21080.11; 15282[h])

Reasons why project is exempt: The proposed project is a railroad grade separation project that eliminates an existing railroad grade crossing.

Lead Agency Contact Person	Area Code	Telephone	Extension
Chris Becker	714	993-8245	

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?
 Yes _____ No _____

Signature Joyce N. Rowland Date: 5/15/01 Title: Director, Development Services

Signed by Lead Agency Date received for filing at OPR: _____

Signed by Applicant