

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Sacramento Regional Transit District for an order authorizing District to construct, modify, maintain, and operate a light rail passenger system across Meadowview Road in the City of Sacramento and the County of Sacramento, State of California.

Application 13-01-015
(Filed January 30, 2013)

DECISION GRANTING AUTHORIZATION TO THE SACRAMENTO REGIONAL TRANSIT DISTRICT TO CONSTRUCT AN AT-GRADE HIGHWAY-RAIL CROSSING ACROSS MEADOWVIEW ROAD IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO

Summary

This decision grants the Sacramento Regional Transit District authorization to construct a new light rail at-grade highway-rail crossing across Meadowview Road and adjacent to the existing Union Pacific Railroad crossing of Meadowview Road in the City of Sacramento in Sacramento County. The existing crossing is identified as CPUC Crossing No. 004-131.80. The new crossing will be identified as CPUC Crossing No. 083S-7.44.

Discussion

Sacramento Regional Transit District (SRTD) operates a light rail passenger system over approximately 39 miles of track, including 47 stations, covering a 418-square-mile service area. Light rail trains operate from 4:30 a.m. to 10:30 p.m. daily with service every 15 minutes during the day and 30 minutes in the

evening, on weekends, and during holidays. Weekday ridership averages 51,000 passengers.

SRTD requests authority to construct a new at-grade highway-rail crossing (crossing) adjacent to the existing Union Pacific Railroad (UPRR) crossing across Meadowview Road in the City of Sacramento (City). The project will extend SRTD light rail service further south from its current terminus at Meadowview Road to its future terminus at Cosumnes River College. The new crossing is part of the South Sacramento Corridor Phase 2 Project (Project). The Project is part of the Transit Master Plan to reduce single-occupancy vehicle usage and, in turn, reduce the region's air quality problems. As part of the Project, in addition to the authorization to construct the crossing requested in this Application (A.), SRTD has sought and been granted authority for two grade-separated crossings (A.11-10-027/Decision (D.) 12-0-3-043): one over the Union Pacific mainline tracks, and one over Cosumnes River Boulevard, and three at-grade crossings (A.12-09-018/D.13-01-026) over Franklin Boulevard, Center Parkway, and the Cosumnes River College entrance road.

The proposed two-track crossing will be located approximately fifty feet west of the existing adjacent single-track UPRR crossing, with the tracks running north/south. This unavoidable shift is due to UPRR's new guidelines for wider track separations on shared corridors; and an existing Pacific Gas and Electric Company gas pipeline along the west side of the UPRR right-of-way that could not be relocated. Meadowview Road is a four-lane divided arterial road running east/west that connects Highway 99 to the east with Interstate 5 to the west. There is a fully signalized four-way intersection approximately 500 feet west of the proposed crossing at Detroit Boulevard.

The existing warning devices for the single-track crossing will be reconfigured and relocated to accommodate the addition of the two SRTD tracks. The Meadowview Road crossing will be equipped with two California Public Utilities Commission (Commission) Standard 9-A (flashing light signal assembly with automatic gate arm and additional flashing light signals over the roadway on a cantilevered arm) warning devices. Additionally, Commission Standard 8 (flashing light signal assembly) warning devices will be installed in the northwest and southeast quadrants for pedestrian warning. The sidewalks on both sides of Meadowview Road between the two crossings will be channelized with four foot high fencing along the sidewalk and self-closing pull gates at each end to provide pedestrians with a safe location to wait for trains to pass in the event the devices activate after a pedestrian enters the sidewalk areas between the tracks. A California Manual on Uniform Traffic Control Devices (CAMUTCD) W10-7 (iconic trolley symbol) activated blank out sign with a "Watch for Trains" sign posted below will be installed on each sidewalk approach within the safe area. The signs will be interconnected with the crossing circuitry and be activated by approaching trains.

As an additional safety measure, a queue-activated warning device consisting of a pair of post-mounted amber flashing light signals and a CAMUTCD R8-8 "Do Not Stop on Tracks" sign will be installed for westbound traffic prior to and just after the crossing, to remind drivers not to stop on the tracks while waiting for traffic to clear ahead. The queue-activated warning device is activated by in-pavement detection loops, which would detect traffic buildup from the nearby Detroit Avenue - Meadowview intersection. Also, as an added measure to mitigate traffic queuing towards the tracks, the traffic signals at the Meadowview Road and Brookfield Drive intersection will be

interconnected with the traffic signals at the Meadowview Road and Detroit Boulevard intersection. This interconnection will allow large queues of westbound vehicles leaving the Meadowview/Brookfield intersection to clear the Meadowview/Detroit intersection before the light turns red. In addition to the aforementioned active warning devices, the crossing will be treated with CAMUTCD standard advance warning and other railroad crossing regulatory and warning signs and pavement markings, as outlined in the application and attachments. Americans with Disabilities Act (ADA) compliant detectable warning tactile warning strips will be placed across each sidewalk approach adjacent to the warning devices, and at each end of the channelized sidewalk areas between the UPRR and SRTD tracks.

Rail service at this proposed crossing will be 135 light rail trains per day at a maximum speed of 55 mph. Rail service at the existing UPRR crossing is approximately 13 freight trains per day at a maximum speed of 40 mph.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (as amended, Public Resources Code Section 21000 et seq.) (CEQA) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, SRTD is the lead agency for this project because the project is being constructed by it and is subject to its review and approval. The Commission is a responsible agency because it has jurisdiction to issue a permit for the project. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.³ As a responsible agency, the Commission is responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.⁴

In 1994, SRTD issued the Alternatives Analysis/Draft Environmental Impact Statement and in 1995 issued the Final Environmental Impact Report for the South Sacramento Corridor project. On March 18, 1997, SRTD filed a Notice of Determination (NOD) with the County of Sacramento.

A Supplemental Final Environmental Impact Statement/Subsequent Final Environmental Impact Report (SFEIS/SFEIR) was circulated in September 2008 to evaluate Phase 2 of the South Sacramento Corridor Project. No significant and unavoidable impacts were identified for Phase 2 of the project.

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

³ CEQA Guidelines, Sections 15050(b) and 15096.

⁴ CEQA Guideline Section 15096(g).

On October 21, 2011, acting under the National Environmental Policy Act, 42 U.S.C. Section 4321 et. seq. (NEPA), the Federal Transit Administration (FTA) filed a Finding of No Significant Impact (FONSI) with the Sacramento County Clerk's Office. The FONSI states that the SFEIS/SFEIR for the Project "was evaluated by the FTA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed Project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required." Actions by SRTD to undertake mitigations not modified by the FONSI but identified in the SFEIS/SFEIR remain in effect.

With respect to the authorization to construct the crossing requested in this application, a number of potentially significant impacts are identified in the SFEIS/SFEIR, all of which are mitigated to a less than significant level. As such the Commission makes the following findings pursuant to CEQA Guideline Section 1596(h).

With respect to transportation, the following impacts are identified: (1) At at-grade crossings, vehicular traffic on the cross streets would be delayed while crossing gates block the intersections; and (2) moderate queues are projected at the Meadowview Road crossing. These impacts are mitigated to less than significant levels by the following measures: (1) measure T-7 requires that for all at-grade crossings adjacent to light-rail stations, SRTD will implement crossing signal control measures to minimize the amount of time gates are down when trains must stop to load and unload passengers before they cross the roadway - a timed delay mechanism will be installed that activates the crossing gates just prior to the train departing the station platform; and (2) measure T-9 requires

that express trains not stopping at a near side station would have equipment to bypass the timed delay mechanism.

With respect to noise impacts, the SFEIS/SFEIR found that impacts would vary depending upon the design options selected but that mitigation measures, including N&V-5, would reduce it to less than significant. Mitigation measure N&V-5 requires that bell sound levels at rail/roadway crossings will be set to minimum sound levels allowed by the Commission. SRTD will specify that bells with easily adjustable volumes and adjustable ring rates be installed. Calibration of bell sounds will be performed prior to initiation of revenue service. If approved by the Commission in the future, shrouds will be installed on bells to direct the sound towards the grade crossings.

FTA served as the lead agency and SRTD served as a joint-lead agency in the preparation of the Environmental Analysis (EA) in compliance with NEPA and with FTA's regulations, 23 CFR Part 771. The EA analyzes and describes the Project's potential significant impacts. The EA was issued in August 2011. The EA found that the Project's construction and operation would cause no significant adverse environmental effects that would not be mitigated. After considering the EA, its supporting documents, public comments, and responses, FTA found under 23 CFR 771.121 that the proposed Project, with the mitigation to which SRTD has committed, will have no significant adverse impacts on the environment. The record provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required.

The Commission reviewed and considered SRTD's Draft Environmental Impact Report (DEIR), Final Environmental Impact Report (FEIR), NOD,

SFEIS/SFEIR and FTA's FONSI as they relate to this crossing and finds them adequate for our decision-making purposes.

Filing Requirements and Staff Recommendations

This application is in compliance with the Commission's filing requirements including Rule 3.9 of the Rules of Practice and Procedure, which relates to the construction of a railroad across a public road.

The Commission's Safety and Enforcement Division - Rail Crossings Engineering Section has inspected the sites of the proposed crossings, and has reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to construct the subject crossing be granted for a period of three years.

Categorization and Need for Hearings

In Resolution ALJ 176-3309, dated February 13, 2013, the Commission preliminarily categorized this application as ratesetting and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Emory J. Hagan III is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on February 6, 2013. There are no unresolved matters or protests. A public hearing is not necessary.

2. SRTD requests authority, under Public Utilities Code Sections 1201-1205, to construct a new at-grade highway-rail crossing across Meadowview Road and adjacent to the existing Union Pacific Railroad crossing in the City, Sacramento County.

3. SRTD is the lead agency for this Project under CEQA. SRTD issued the Alternatives Analysis/Draft Environmental Impact Statement in 1994 and in 1995 issued the Final Environmental Impact Report for the South Sacramento Corridor project. On March 18, 1997, SRTD filed a NOD with the County.

4. A SFEIS/SFEIR was circulated in September 2008 to evaluate Phase 2 of the South Sacramento Corridor Project. No significant and unavoidable impacts were identified for Phase 2 of the Project.

5. On October 21, 2011, acting under NEPA, the FTA filed a FONSI with the Sacramento County Clerk's Office. The FONSI states that the SFEIS/SFEIR for the Project was evaluated by the FTA and determined that it provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

6. The Commission is a responsible agency for this Project and has reviewed and considered SRTD's DEIR, FEIR, NOD, SFEIS/SFEIR and FTA's FONSI.

7. The DEIR, FEIR, NOD, SFEIS/SFEIR and FTA's FONSI reflect the Commission's independent judgment and analysis.

8. Pursuant to CEQA Guideline Section 1596(h) the Commission finds that potentially significant impacts are created because (1) at at-grade crossings, vehicular traffic on the cross streets would be delayed while crossing gates block the intersections; and (2) moderate queues are projected at the crossing located at Meadowview Road.

9. The Commission further finds that these impacts are mitigated to less than significant levels by the following measures: (1) measure T-7 requires that for all at-grade crossings adjacent to light-rail stations, SRTD will implement crossing signal control measures to minimize the amount of time gates are down when trains must stop to load and unload passengers before they cross the roadway – a timed delay mechanism will be installed that activates the crossing gates just prior to the train departing the station platform; and (2) measure T-9 requires that express trains not stopping at a near side station would have equipment to bypass the timed delay mechanism.

10. Pursuant to CEQA Guideline Section 1596(h) the Commission finds that a potentially significant noise impacts may be created at rail/roadway crossing.

11. The Commission further finds that this impact is mitigated to a less than significant level by measure N&V-5, which requires that bell sound levels at rail/roadway crossings will be set to minimum sound levels allowed by the Commission. SRTD will specify that bells with easily adjustable volumes and adjustable ring rates be installed. Calibration of bell sounds will be performed prior to initiation of revenue service. If approved by the Commission in the future, shrouds will be installed on bells to direct the sound towards the grade crossing.

Conclusions of Law

1. SRTD's DEIR, FEIR, NOD, SFEIS/SFEIR and FTA's FONSI are adequate for our decision-making purposes.
2. SRTD's DEIR, FEIR, NOD, and SFEIS/SFEIR were completed in compliance with CEQA.
3. The South Sacramento Corridor Phase 2 Project will not result in significant and unavoidable environmental impacts. Mitigation measures were made a condition of approval for the Project.
4. The application is uncontested and a public hearing is not necessary.
5. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Sacramento Regional Transit District is authorized to construct a new at-grade highway-rail crossing across Meadowview Road and adjacent to the existing Union Pacific Railroad crossing in the City of Sacramento, Sacramento County.
2. This new at-grade highway-rail crossing shall be identified as CPUC Crossing No. 083S-7.44.
3. This new at-grade highway-rail crossing shall be equipped with two California Public Utilities Commission Standard 9-A (flashing light signal assembly with automatic gate arm and additional flashing light signals over the roadway on a cantilevered arm) warning devices.
4. California Public Utilities Commission Standard 8 (flashing light signal assembly) warning devices shall be installed in the northwest and southeast quadrants for pedestrian warning.

5. The sidewalk between this new at-grade highway-rail crossing and the existing Union Pacific Railroad crossing (CPUC Crossing No. 004-131.80) shall be channelized with four foot high fencing along the sidewalk and self-closing pull gates at each end to provide pedestrians with a safe location to wait for trains to pass.

6. A California Manual on Uniform Traffic Control Devices W10-7 iconic trolley symbol activated blank out sign with a “Watch for Trains” sign posted below shall be installed on each sidewalk approach within the safe area. The signs shall be interconnected with the crossing circuitry and be activated by approaching trains.

7. Queue activated warning devices consisting of a pair of amber flashers and a California Manual on Uniform Traffic Control Devices R8-8 “Do Not Stop on Tracks” sign shall be installed for westbound traffic prior to, and just after the crossing to remind drivers not to stop on the tracks while waiting for traffic to clear ahead.

8. The traffic signals at the Meadowview Road and Brookfield Drive intersection shall be interconnected with the traffic signals at Meadowview Road and Detroit Boulevard intersection to limit traffic queues from the Detroit Avenue and Meadowview Road intersection.

9. Americans with Disabilities Act compliant detectable warning tactile warning strips shall be placed across each sidewalk approach, adjacent to the warning devices, as well as at each end of the channelized sidewalks between the tracks on both sides of Meadowview Road .

10. The crossing shall be treated with California Manual on Uniform Traffic Control Devices standard advance warning and other railroad crossing

regulatory and warning signs and pavement markings, as outlined in the application and attachments.

11. Sacramento Regional Transit District shall notify the California Public Utilities Commission's Safety and Enforcement Division - Rail Crossings Engineering Section at least five (5) business days prior to opening the at-grade highway-rail crossings. Notification shall be made to rces@cpuc.ca.gov.

12. Within thirty (30) days after completion of the work under this order, Sacramento Regional Transit District shall notify the Rail Crossings Engineering Section in writing, by submitting a completed Commission Standard Form G (*Report of Changes at Highway Grade Crossings and Separations*), of the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site Form G page at <http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg.htm>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

13. Sacramento Regional Transit District shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.

14. This authorization shall expire if not exercised within three (3) years of the effective date of this decision, unless time is extended or if the above conditions are not satisfied. The California Public Utilities Commission may revoke or modify this authorization if public convenience, necessity, or safety so require.

15. A request for extension of the three-year authorization period must be submitted to the California Public Utilities Commission's Rail Crossings

Engineering Section at least thirty (30) days before the expiration of that period.

A copy of the request must be sent to all interested parties.

16. The application is granted as set forth above.

17. Application 13-01-015 is closed.

This order is effective today.

Dated _____, at San Francisco, California.