

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The City of Santa Paula to Construct a New at-grade Crossing at Hallock Drive on the Santa Paula Branch Line MP 415.76 (Proposed CPUC Number 001BE-415.76; DOT Number 968261B) which is a Subproject of the Santa Paula East Area 1 Project, a New Mixed Use Development within the City of Santa Paula, County of Ventura.

Application 15-05-012
(Filed May 1, 2015)

**DECISION AUTHORIZING THE CITY OF SANTA PAULA
TO CONSTRUCT A NEW AT-GRADE HIGHWAY-RAIL
CROSSING AT HALLOCK DRIVE, ACROSS VENTURA COUNTY
TRANSPORTATION COMMISSION SANTA PAULA BRANCH LINE TRACK
IN THE CITY OF SANTA PAULA, COUNTY OF VENTURA**

Summary

This decision grants the City of Santa Paula authorization to construct a new public at-grade highway-rail crossing across the Santa Paula Branch Line track of Ventura County Transportation Commission at Hallock Drive in the City of Santa Paula, Ventura County. Upon completion of the Hallock Drive crossing, the City of Santa Paula will permanently close the public at-grade highway-rail crossing at Padre Lane, located east along this railroad line identified as California Public Utilities (CPUC) Crossing Number 001BE-415.88 and United States Department of Transportation (DOT) Number 917316W and an adjacent private farm at-grade crossing identified as CPUC Crossing Number 001BE-415.

55-X, and DOT Number 745728G. The Hallock Drive crossing will be identified as CPUC Crossing Number 001BE-415.76, and DOT Number 968261B.

This proceeding is closed.

Discussion

The City of Santa Paula (City) proposes to construct a new Hallock Drive public at-grade highway-rail crossing (crossing) across a single Ventura County Transportation Commission (VCTC) Santa Paula Branch Line (SPBL) track at Mile Post 415.76. Construction of the crossing is part of the Santa Paula East Area 1 (East Area 1) Project, which will provide a new mixed use development located north of the VCTC SPBL track.

Hallock Drive is a four-lane, north-south running roadway that terminates at a “STOP” sign controlled, T-intersection with Telegraph Road, just south of the VCTC SPBL railroad track. The Padre Lane at-grade crossing, identified as California Public Utilities Commission (Commission/CPUC) Crossing Number 001BE-415.88, and United States Department of Transportation (DOT) Number 917316W is a two-lane north-south running roadway that crosses the VCTC SPBL track approximately 500 feet to the east, and connects at an approximately 90-degree elbow turn with Telegraph Road south of the VCTC SPBL track. Approximately 1,000 feet to west of the crossing, the private farm at-grade crossing identified as CPUC Crossing Number 001BE-415. 55-X and DOT Number 745728G, provides a second access across the VCTC SPBL track to the proposed development area.

The SPBL, classed for a ten-mile per hour speed limit, is owned by VCTC. Union Pacific Railroad operates one train per week over the VCTC SPBL. Fillmore and Western Railway Company operates up to six excursion and film operation trains a week on the VCTC SPBL.

The City states that the crossing is necessary to provide a primary access route for the East Area 1 development within the City. Without the crossing, the City would not be able to safely or cost effectively provide adequate access to and from East Area 1. The City prepared *Highway-Rail Crossing Alternatives Evaluation* (evaluation) to assess the practicability of constructing roadway over or under the track and making improvements to the existing Padre Lane crossing to handle the projected traffic increase. The evaluation demonstrated that the proposed Hallock Drive crossing configuration provides a safer alternative over improving the Padre Lane at-grade crossing, and is more practicable than constructing a grade-separation over Hallock Drive, considering the roadway network configuration, environmental impact, and railroad operation. The City estimates average daily traffic of 19,600 vehicles and 100-200 pedestrians and bikers at the crossing when it is opened.

The City will construct the Hallock Drive crossing with several roadway and crossing safety measures to provide safe vehicle, pedestrian, and bicycle traffic, and facilitate safer access to the East Area 1 Project. The East Area 1 Project development is presently accessible only through the Padre Lane crossing, east of the existing Hallock Drive/Telegraph Road intersection, as well as through the private farm crossing, west of the Hallock Drive/Telegraph Road intersection.

The City shall install the following features at the proposed Hallock Drive crossing:

- A six-lane roadway and 10 feet wide Americans with Disabilities Act (ADA) compliant sidewalks for pedestrians and dedicated bicycle lanes in each direction through the crossing;

- Four feet high chain link or split rail fence along the railroad right-of-way on all crossing quadrants within 50 feet of the grade crossing to prevent trespassing;
- Traffic signals at the Hallock Drive/Telegraph Road intersection, interconnected with the crossing warning devices to provide 33 seconds of advanced preemption;
- Railroad-interconnected curb-mounted pre-signal for southbound vehicular traffic on Hallock Drive;
- New railroad-interconnected traffic signal system at the Hallock Drive/Telegraph Road intersection;
- New train detection circuitry, provided by VCTC to facilitate the City's installation of advanced preemption;
- Precast concrete crossing panel surface for the track;
- Eight-inch high and approximately 300 feet long and 70 feet long concrete raised curb medians on north and south sides of the crossing respectively;
- One curb-mounted Commission Standard 9 (flashing light signal assembly with automatic gate arm) and one curb-mounted Commission Standard 8 (flashing light signal assembly) warning devices for northbound Hallock Drive;
- One curb-mounted Commission Standard 9 and one median-mounted Commission Standard 9 warning devices for southbound Hallock Drive;
- R3-1 "NO RIGHT TURN" train-activated blank-out signs for westbound Telegraph Road vehicular traffic;

- ADA compliant detectable warning tactile stripes at each pedestrian approach to the track;
- Crosswalk with ADA compliant curb ramps and sidewalk landings at the Hallock Drive/Telegraph Road intersection; and
- California Manual on Uniform Traffic Control Devices compliant signage and striping, W10-1 railroad advance warning sign and “RXR” and railroad limit pavement markings.

The City will close two at-grade highway-rail crossings upon construction completion of the East Area 1 Project. The City will permanently close Padre Lane crossing and the private farm crossing located to the west of Hallock Drive. The City will close both the Padre Lane and private farm crossings by removing the standard crossing warning signs and roadway pavement adjoining the crossing and installing barricades parallel to the track.

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 agency with the greatest responsibility for supervising or approving the project as a whole.² Here, the City is the lead agency for this project, and the Commission is a responsible agency because the Commission 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

The Hallock Drive extension and crossing is one aspect of the larger "East Area 1 Specific Plan" in the City of Santa Paula, which envisions the development of a number of neighborhoods and districts. In November 2007, City issued the Draft Environmental Impact Report (DEIR), and in February 2008 issued the Final Environmental Impact Report (FEIR) for the larger East Area 1 Project. In October 2014 the City issued the Draft Supplemental Environmental Impact Report (SEIR), which contained the East Area 1 Specific Plan Amendment. In January 2015, the City issued the Final SEIR.

On March 17, 2015, the City filed a Notice of Determination (NOD), approving the project and adopting the Final SEIR. The NOD states that (1) the project will have a significant effect on the environment; (2) an Environmental

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).

Impact Report was prepared for this project pursuant to the provisions of CEQA; (3) mitigation measures were made a condition of the approval of the project; (4) a Statement of Overriding Considerations (SOC) was adopted for this project; and (5) findings were made pursuant to the provisions of CEQA.

Impacts identified under CEQA relating to the construction and implementation of the rail-crossing aspects of the overall project are within the scope of the Commission's jurisdiction. While the City's CEQA process identified significant and unavoidable impacts, and thus adopted an SOC, all of the significant and unavoidable aspects of the project were not related to the rail-crossing but are due to other aspects of the larger East Area 1 Project.

The City's Final SEIR indicates that the proposed project would have potentially significant impacts due to the rail-crossing and new access points that could result in increased hazards due to operational features. However, these impacts would be reduced to less-than-significant levels with the implementation of the identified mitigation measures. Mitigation measures related to impacts associated with the rail-crossing adopted in the Final SEIR consist of the installation of traffic signals at the intersection adjacent to the crossing. Specifically, the intersection must construct a traffic signal and modify the existing lane configuration. Improvements must include the following features:

- The northbound approach must include one right-turn lane, two through lanes and two left-turn lanes.
- The southbound approach must include one right-turn lane, one through lane, and one shared through/left-turn lane.
- The eastbound approach must include one through lane and one left-turn lane.

- The westbound approach must include one shared right/through lane and one left-turn lane.

Additionally, the project applicant must prepare a fencing plan for the at-grade crossing and immediate vicinity. The fencing plan must be submitted for review by the City and must meet the design and construction requirements of the Commission.

The Commission finds the proposed mitigation measures feasible and reasonable. The Commission reviewed and considered the City's FEIR/SEIR and NOD as these documents relate to the at-grade crossing and finds the documents adequate for our decision-making purposes.

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements, including Rule 3.7 of the Rules of Practice and Procedure, which relates to the construction of a public road across a railroad.

The Commission's Safety and Enforcement Division, Rail Crossings and Engineering Branch has inspected the site of the proposed crossing, reviewed and analyzed the plans submitted with the application and amendment 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 176-3357, dated May 21, 2015, 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, a public hearing is not necessary, and 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

Elizaveta Malashenko is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on May 15, 2015. On June 16, 2015, the City filed an amendment to its application, which depicts the finalized drawings for the crossing.
2. The City requests authority under Public Utilities Code Sections 1201-1205 to construct a new public at-grade highway-rail crossing over the VCTC SPBL tracks at Hallock Drive in the City of Santa Paula, Ventura County. The crossing will be identified as CPUC Crossing Number 001BE-415.76 and DOT Number 968261B.
3. The City is the lead agency for this project under CEQA, as amended.
4. In October 2014, the City issued the Draft SEIR for the East Area 1 Project. The Draft SEIR found that potentially significant impacts under the Commission's purview could result from the at-grade highway-rail crossing project, but that these impacts would be reduced to less-than-significant levels with implementation of the identified mitigation measures.
5. In January 2015, the City issued the Final SEIR for the project of which the Hallock Drive extension and crossing is a part.

6. On March 17, 2015, the City filed its NOD indicating that the project will have a significant effect on the environment, and adopted a SOC for the impacts that could not be fully mitigated.

7. Regarding impacts from the rail-crossing aspect of the project, mitigation measures require that the intersection adjacent to the rail-crossing construct a traffic signal and modify the existing lane configuration to include one right-turn lane, two through lanes, and two left-turn lanes from the northbound approach; one right-turn lane, one through lane, and one shared through/left-turn lane from the southbound approach; one through lane and one left-turn lane from the eastbound approach; and one shared right/through lane and one left-turn lane from the westbound approach. Mitigation to address rail-crossing impacts also require the project application to prepare a fencing plan at the at-grade crossing and immediate vicinity, which will be submitted to the City for review and which must meet the Commission's design and construction requirements.

8. The crossing is necessary to provide a primary access route for East Area 1 Project development in the City.

9. The crossing configuration provides a safer alternative over improving the Padre Lane at-grade crossing and is more practicable than constructing a grade-separation over Hallock Drive, given the existing roadway network configuration, environmental impact, and railroad traffic and speed.

10. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's FEIR/SEIR, and NOD.

Conclusions of Law

1. Safety, traffic, noise, and other impacts related to the highway-rail crossing are areas within the scope of the Commission's permitting process.

2. The Commission finds the mitigation measures adopted in the FEIR/SEIR reasonable and feasible.
3. The FEIR/SEIR, and NOD are adequate for our decision-making purposes.
4. The FEIR/SEIR, and NOD were completed in compliance with CEQA.
5. The FEIR/SEIR and NOD reflect the Commission's independent judgment and analysis.
6. The application is uncontested and a public hearing is not necessary.
7. The application should be granted as set forth in the following Order.
8. The proceeding should be closed.

ORDER

IT IS ORDERED that:

1. The City of Santa Paula is authorized to construct a new public at-grade highway-rail crossing over the Ventura County Transportation Commission Santa Paula Branch Line track at milepost 415.76, in the City of Santa Paula, Ventura County.
2. The new public Hallock Drive at-grade highway-rail crossing shall have the crossing treatments and configuration described above and specified in the application, amendment, and the application attachments. The new public Hallock Drive at-grade highway-rail crossing shall be identified as California Public Utilities Commission Crossing Number 001BE-415.76 and United States Department of Transportation Number 968261B.
3. The City of Santa Paula upon completion of the Hallock Drive at-grade highway-rail crossing, shall permanently close the existing crossings at Padre Lane, identified as California Public Utilities Commission Crossing Number 001BE-415.88 and United States Department of Transportation Number 917316W,

and the private farm crossing, identified as California Public Utilities Commission Crossing Number 001BE-415. 55-X, and United States Department of Transportation Number 745728G.

4. The Ventura County Transportation Commission shall ensure that Emergency Notification Systems Signs are installed to comply with Title 49, Code of Federal Regulation Section 234.309.

5. The City of Santa Paula shall adopt a regular inspection for proper function of the interconnected/preempted traffic signals in coordination with the railroad, or as recommended in the Federal Railroad Administration Safety Advisory 2010-02.

6. The City of Santa Paula shall notify the California Public Utilities Commission's Safety and Enforcement Division, Rail Crossings and Engineering Branch at least five business days prior to opening the at-grade highway-rail crossing for public use. Notification must be made to rceb@cpuc.ca.gov.

7. Within 30 days after completion of the work under this order, including all crossing closures, the City of Santa Paula shall notify the California Public Utilities Commission's Safety and Enforcement Division - Rail Crossings and Engineering Branch in writing, by submitting a completed California Public Utilities 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 www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg. This report may be submitted electronically to rceb@cpuc.ca.gov.

8. Within 30 days after completion of the work under this order, the Ventura County Transportation Commission shall notify the Federal Railroad

Administration of the existence/closures of the affected at-grade highway-rail crossings by submitting a United States Department of Transportation CROSSING INVENTORY FORM, form FRA F6180.71. Concurrently the Ventura County Transportation Commission shall provide a copy of the inventory forms to the California Public Utilities Commission's Safety and Enforcement Division - Rail Crossings and Engineering Branch. This copy of the form may be submitted electronically to rceb@cpuc.ca.gov.

9. The City of Santa Paula shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation's Americans with Disabilities Act Standards for Transportation Facilities and the California Manual on Uniform Traffic Control Devices.

10. This authorization shall expire if the City of Santa Paula does not exercise it within three years and satisfy above conditions specified in Ordering Paragraphs 2 through 8 unless time is extended. The California Public Utilities Commission may revoke or modify this authorization if public convenience, necessity, or safety so requires.

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

12. This application is granted as set forth above.
13. Application 15-05-012 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.