

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the California Department of Transportation for an order authorizing the construction of a grade separated structure to be known as the Quail Meadows Overhead (proposed CPUC No. 005-140.28-A) over four tracks owned by the North Coast Railroad Authority near the City of Willits, County of Mendocino, State of California.

Application 12-02-008
(Filed February 6, 2012)

DECISION GRANTING AUTHORIZATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A GRADE-SEPARATED STRUCTURE TO BE KNOWN AS QUAIL MEADOWS OVERHEAD OVER FOUR TRACKS OWNED BY NORTH COAST RAILROAD AUTHORITY NEAR THE CITY OF WILLITS, COUNTY OF MENDOCINO

Summary

This decision grants the California Department of Transportation authorization to construct a new grade-separated highway-rail crossing to be known as Quail Meadows Overhead over four tracks owned by North Coast Railroad Authority near the City of Willits in Mendocino County. The new crossing will be identified as CPUC Crossing No. 005-140.28-A.

Discussion

The California Department of Transportation (Caltrans) requests authority to construct a new grade-separated highway-rail crossing structure that will span over four tracks owned by North Coast Railroad Authority (NCRA) near the City of Willits in Mendocino County (County). This new overhead structure will be known as Quail Meadows Overhead. Caltrans states that the purpose of the

proposed project is to construct a new freeway segment of US 101, which would bypass the City of Willits, to reduce delays, improve safety and to achieve a traffic flow with minimal delays within the project area for post project condition and for future years.

The highway-rail grade separation will be a 124-foot, 8-inch long, 54-foot, 5-½ inch wide structure that spans over four tracks of the NCRA at a 39-degree skew angle. There will be a temporary minimum overhead clearance of 20 feet, 6 inches during construction with a permanent minimum overhead clearance of 23 feet, 4 inches. There is currently no rail service on this portion of the NCRA line.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources Code Section 21000 et seq.) 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

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

as a whole.² Here, Caltrans is the lead agency for this project because the project is being constructed by it, and is subject to its review and approval, and 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

In May 2002, Caltrans issued the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) and in October 2006 issued the Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) for the Quail Meadows Overhead project. On December 15, 2006 Caltrans filed a Notice of Determination (NOD) with the State Clearing House which states, "The Project will not have a significant effect on the environment. Mitigation measures were adopted as a condition of approval of the project."

The Commission reviewed and considered Caltrans' DEIS/EIR, FEIS/EIR, and NOD as they relate to this grade-separated 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 3.7 of the Rules of Practice and Procedure, which relates to the construction of a public road across a railroad.

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

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

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section has inspected the site of the proposed crossing, 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 176-3290, dated March 8, 2012, 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 Hagan 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 17, 2012. There are no unresolved matters or protests. A public hearing is not necessary.

2. Caltrans requests authority, under Public Utilities Code Sections 1201-1205, to construct a new grade separated structure that will span over four tracks owned by NCRA near the City of Willits in Mendocino County. This new overhead structure will be known as Quail Meadows Overhead.

3. Caltrans is the lead agency for this project under CEQA.

4. In May 2002, Caltrans issued the DEIS/EIR and in October 2006 issued the FEIS/EIR for the Quail Meadows Overhead project. On December 15, 2006 Caltrans filed an NOD with the State Clearing House which states, "The Project will not have a significant effect on the environment. Mitigation measures were adopted as a condition of approval of the project."

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

6. The DEIR/EIR, FEIR/EIR, and NOD reflect the Commission's independent judgment and analysis

Conclusions of Law

1. The DEIR/EIR, FEIR/EIR, and NOD prepared by Caltrans as the documentation required by CEQA for the project are adequate for our decision-making purposes. The Quail Meadows Overhead Project will not have significant effect on the environment.

2. The DEIR/EIR, FEIR/EIR, and NOD were completed in compliance with CEQA.

3. The application is uncontested and a public hearing is not necessary.

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

O R D E R

IT IS ORDERED that:

1. The California Department of Transportation is authorized to construct a new grade-separated highway-rail crossing over four tracks owned by North Coast Railroad Authority near the City of Willits in Mendocino County. The new crossing will be identified as CPUC Crossing No. 005-140.28-A.

2. There shall be a temporary minimum overhead clearance of 20 feet, 6 inches during construction with a permanent minimum overhead clearance of 23 feet, 4 inches.

3. The California Department of Transportation shall notify the Commission's Consumer Protection and Safety Division - Rail Crossings Engineering Section at least five (5) business days prior to opening the crossing. Notification should be made to rces@cpuc.ca.gov.

4. Within 30 days after completion of the work under this order, the California Department of Transportation 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 CPUC web site Form G page at <http://www.cpuc.ca.gov/formg>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

5. Within 30 days after completion of the work under this order, North Coast Railroad Authority shall notify the Federal Railroad Administration of the existence of the road over track crossing by submitting a U.S.DOT CROSSING INVENTORY FORM, form FRA F6180.71. A copy is to be provided concurrently to the Commission's Consumer Protection and Safety Division -

Rail Crossings Engineering Section. This copy of the form may be submitted electronically to rces@cpuc.ca.gov .

6. The California Department of Transportation shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.

7. This authorization shall expire if not exercised within three years, unless time is extended or if the above conditions are not satisfied. The Commission may revoke or modify this authorization if public convenience, necessity, or safety so require.

8. A request for extension of the three-year authorization period must be submitted to the Rail Crossings Engineering Section at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

9. The application is granted as set forth above.

10. Application 12-02-008 is closed.

This order is effective today.

Dated _____, at San Francisco, California.