

Decision 11-02-014 February 24, 2011

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the County of Riverside for an order authorizing the replacement, re-alignment and widening of the Van Buren Boulevard Overhead (DOT #027325M and CPUC#002X-10.60-A) over the San Jacinto Branch line tracks of the Riverside County Transportation Commission, that are currently operated by the BNSF Railway Company, per General Order 26-D, located in the County of Riverside, State of California.

Application 10-08-017  
(Filed August 20, 2010)

**DECISION GRANTING AUTHORIZATION TO COUNTY OF RIVERSIDE TO REPLACE, RE-ALIGN AND WIDEN THE VAN BUREN OVERHEAD BRIDGE STRUCTURE OVER THE SAN JACINTO BRANCH LINE TRACKS OWNED BY RIVERSIDE COUNTY TRANSPORTATION COMMISSION, OPERATED BY BNSF RAILWAY COMPANY WITHIN AN UNINCORPORATED AREA OF COUNTY OF RIVERSIDE**

**Summary**

This decision grants the County of Riverside authorization to replace, re-align and widen the existing grade-separated crossing of Van Buren Boulevard over the San Jacinto Subdivision railroad tracks owned by Riverside County Transportation Commission and operated by BNSF Railway Company, within an unincorporated area of Riverside County. The Van Buren Boulevard grade-separated crossing is identified as CPUC Crossing No. 002X-10-60-A and DOT No. 027325M.

## **Discussion**

The County of Riverside (County) proposes to replace, re-align and widen the existing Van Buren Boulevard Overhead Structure, as part of a California Department of Transportation (Caltrans) project that would improve the efficiency of the Interstate 215 (I-215), add and realign various ramps connecting to the Van Buren Boulevard interchange, and construct Van Buren Boulevard to provide two lanes in each direction through the interchange within Riverside County. There are two sets of railroad tracks, which lie just west of I-215 and its southbound ramps to and from Van Buren Boulevard. The tracks currently host BNSF Railway Company (BNSF) freight trains, but Metrolink's Perris Valley extension will use these tracks in the future. The proposed crossing number for the grade-separated structure will remain the same, and is identified as CPUC Crossing No. 002X-10-60-A and DOT No. 0273525M.

The accelerated growth and development within the County in the cities of Riverside, Moreno Valley, Perris, and other nearby cities along with future and ongoing residential and commercial developments are expected to generate traffic volumes beyond the existing configuration of the interchange. Based on current traffic analysis, the operating conditions of the interchange during peak AM hours has already reached Level of Service (LOS) E, and is projected to reach LOS F by 2035, which is the least efficient LOS<sup>1</sup>. Without improvements to the interchange, traffic congestion will continue to further deteriorate , compromising the safety and operational efficiency of the interchange and

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<sup>1</sup> Level of Service (LOS) is a rating system for the efficiency and functionality of an intersection or roadway segment, with LOS A being the most efficient and LOS F being the least. For intersections, LOS F is characterized by greater volume than capacity and over 80 seconds of control delay per vehicle, unacceptable for most motorists.

ultimately impacting I-215. The average daily traffic volumes are expected to increase from approximately 24,500 vehicles per day (vpd) at present to 72,200 vpd by the year 2035. The County proposes to widen the Van Buren Boulevard bridge structure as part of the Caltrans project that will construct a new eastbound to northbound entrance ramp to I-215, reconfigure and widen the existing entrance and exit ramps for northbound and southbound directions of the I-215/Van Buren Boulevard interchange, and construct auxiliary lanes on I-215 between Van Buren Boulevard and Cactus Avenue to the north, to address these deficiencies.

The design and construction of the overpass grade-separation structure will comply with all minimum clearance requirements set forth in California Public Utilities Commission General Order 26-D. The plans show the minimum vertical clearance will be 24 feet 2 inches from top of rail to the bottom of the bridge structure, which meets the minimum requirement of General Order 26-D of 22 feet 6 inches.

### **Environmental Review and CEQA Compliance**

The California Environmental Quality Act of 1970 (CEQA, 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,<sup>2</sup> or the one with the greatest responsibility for supervising or approving the project as a whole.<sup>3</sup> Here, the lead agency for this project is Caltrans because the project is designed and funded by and under the supervision of Caltrans in furtherance of their responsibilities to construct and maintain the interstate highway system. The County adopts the environmental documents and findings for the purpose of its request to modify the Van Buren Boulevard Overhead structure.

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.<sup>4</sup>

Pursuant to CEQA and the National Environmental Policy Act (NEPA), Caltrans and the Federal Highway Administration (FHWA) prepared a joint Final Initial Study with Mitigated Negative Declaration/Environmental Assessment with Finding of No Significant Impact signed February 27, 2009 for the I-215 and Van Buren Boulevard Interchange project. The Final Initial Study determined that the project, with mitigations, would not have a substantial effect on the environment. Significant impacts were identified only to biological resources. However, mitigations were established to mitigate these impacts to less-than-significant levels.

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<sup>2</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

<sup>3</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

<sup>4</sup> CEQA Guidelines, Sections 15050(b) and 15096.

The Commission reviewed and considered the Final Initial Study with Mitigated Negative Declaration/Environmental Assessment with Finding of No Significant Impact. The Commission 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 highway across a railroad.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section has inspected the site of the existing crossing, reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to modify the subject crossing be granted for a period of three years.

### **Categorization and Need for Hearings**

In Resolution ALJ 176-3260 dated September 3, 2010, 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**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on August 26, 2010. There are no unresolved matters or protests. A public hearing is not necessary.

2. The County requests authority, under Public Utilities Code Sections 1201-1205, to replace, re-align and widen the grade-separated crossing of Van Buren Boulevard over the San Jacinto Subdivision railroad tracks owned by Riverside County Transportation Commission and operated by BNSF.

3. Caltrans and FHWA are the respective lead agencies for this project under CEQA and NEPA.

4. Caltrans and FHWA prepared a joint Final Initial Study with Mitigated Negative Declaration/Environmental Assessment with Finding of No Significant Impact for improvements to I-215 and Van Buren Boulevard Interchange signed February 27, 2009.

5. The County adopts the Caltrans environmental documents and findings for the purpose of its request to modify the Van Buren Boulevard Overhead structure.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Final Initial Study with Mitigated Negative Declaration/Environmental Assessment with Finding of No Significant Impact.

### **Conclusions of Law**

1. The joint Final Initial Study with Mitigated Negative Declaration/Environmental Assessment with Finding of No Significant Impact, is adequate for our decision-making purposes.

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

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

**O R D E R**

**IT IS ORDERED** that:

1. The County of Riverside is authorized to replace, re-align and widen the Van Buren Boulevard grade-separated crossing identified as CPUC Crossing No. 002X-10.60-A and DOT No. 027325M, in an unincorporated area of Riverside County as specified in the plans and attachments submitted with its application.

2. Within 30 days after completion of the work under this order, the County of Riverside shall notify the Commission's Consumer Protection and Safety Division – Rail Crossing 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](mailto:rces@cpuc.ca.gov) as outlined on the web page.

3. The County of Riverside shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.

4. 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.

5. A request for extension of the three-year authorization period must be submitted to the Commission's Consumer Protection and Safety Division – Rail

Crossing Engineering Section at least 30 days before the expiration of that period.

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

6. The application is granted as set forth above.

7. Application 10-08-017 is closed.

This order becomes effective 30 days from today.

Dated February 24, 2011, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
TIMOTHY ALAN SIMON  
MICHEL PETER FLORIO  
Commissioners

Commissioner Catherine J.K. Sandoval, being necessarily absent, did not participate.