

Decision 11-02-012 February 24, 2011

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

Application of the California Department of Transportation for an order authorizing the reconstruction of the D Street and E Street Interchanges and widening of the Victorville separation and overhead (PUC No. 002-36.00-A) over four sets of tracks owned by the Burlington Northern Santa Fe Railway (in accordance with General Order 26-D), located in the City of Victorville, County of San Bernardino, State of California

Application 10-08-019  
(Filed August 25, 2010)

**DECISION GRANTING AUTHORIZATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION TO RECONSTRUCT THE D STREET AND E STREET INTERCHANGES AND WIDEN THE VICTORVILLE STREET (I-15) OVERHEAD BRIDGE STRUCTURE OVER FOUR SETS OF TRACKS OWNED BY BNSF RAILWAY COMPANY IN THE CITY OF VICTORVILLE, SAN BERNARDINO COUNTY**

**Summary**

This decision grants the California Department of Transportation authorization to modify the existing grade-separated crossing of Victorville Street (I-15) over four sets of railroad tracks owned by BNSF Railway Company, in the City of Victorville, San Bernardino County. The I-15 grade-separated crossing is identified as CPUC Crossing No. 002-36.00-A and DOT No. 026078U.

**Discussion**

The California Department of Transportation (Caltrans) proposes to reconstruct the D Street, E Street and Stoddard Wells Road interchanges of I-15;

widen the I-15 Mojave River Bridge; replace the I-15 Stoddard Wells Road overpass; and widen the existing I-15 overhead structure of the BNSF Railway Company (BNSF) tracks, as part of its project to improve traffic movement and reduce accident rates along this segment of I-15. The proposed crossing number for the grade-separated structure will remain the same and is identified as CPUC Crossing No. 002-36.00-A and DOT No. 026078U.

The existing roadway has a number of problems and deficiencies, including non-standard roadway features and a lack of route uniformity and surface street access. In addition, the relatively high-mainline traffic volume and stop-and-go traffic conditions coupled with merging and diverging ramp traffic are contributing factors to concentrations of accidents around the interchanges, which have an above-statewide average accident rate. The current roadway is expected to operate at poor levels of service in the near future if not improved. The purpose of the project is to upgrade this segment of I-15 and associated interchanges to meet current highway standards and improve operational characteristics that currently contribute to safety problems.

The current grade-separation structure of I-15 crosses over four sets of BNSF tracks, has six non-standard width traffic lanes, with shoulders, and is 90 feet wide. Caltrans proposes to widen the structure by adding two high-occupancy lanes and two mixed-flow lanes that will result in a structure that is 120 feet wide. The structure will accommodate two high-occupancy lanes and eight mixed-flow lanes along with shoulders, ramp tapers and a west-side frontage road.

The application shows a permanent minimum vertical clearance of 23 feet 6 inches above the top of rail to the bottom of the bridge structure. However, during construction the vertical clearance will be 21 feet 6 inches. Commission

General Order (GO) 26-D requires a minimum vertical clearance of 22 feet 6 inches. Since the vertical clearance of 21 feet 6 inches during construction will be less than the minimum 22 feet 6 inches required by GO 26-D, Caltrans requests permission for temporary deviation from the vertical clearance requirement.

### **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,<sup>1</sup> or the one with the greatest responsibility for supervising or approving the project as a whole.<sup>2</sup> Here, the lead agency is Caltrans because it is carrying out the project to improve one of its roadways, and the Commission is a responsible agency because it has jurisdiction to issue a permit for a portion of the project. As a responsible agency under CEQA, the Commission must consider the lead

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

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

agency's environmental documents and findings before acting on or approving this project.<sup>3</sup>

Pursuant to CEQA and the National Environmental Policy Act (NEPA),<sup>4</sup> Caltrans and the Federal Highway Administration (FHWA) prepared a joint environmental document titled *Interstate 15 Interchange Reconstruction ( D Street, E Street, Stoddard Wells Road and Mojave River Bridge), Final Initial Study [with Mitigated Negative Declaration]/Environmental Assessment [with Finding of No Significant Impact]*, which identifies environmental impacts and associated mitigation measures related to the Interstate 15 Interchange Reconstruction Project. Caltrans approved the joint CEQA and NEPA document on June 27, 2008.

In the Final Initial Study, the proposed project would have no significant adverse effect on the environment because the identified mitigation measures would reduce the potential effects to less-than-significant levels. Prior to mitigation, the lone significant impact relating to the safety, traffic/transportation, and noise areas, which are under the Commission's jurisdiction, pertains to noise-sensitive receptors within the area. However, mitigation measures include construction of soundwalls at the northbound D Street off-ramp adjacent to the mobile home park and at the KOA campground. Therefore, with the construction of the soundwalls, the potential effects would be reduced to less-than-significant levels.

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<sup>3</sup> CEQA Guidelines, Section 15050 (b) and 15096

<sup>4</sup> 42 USC 4332 (2)(c) of 1969 as amended. Projects undertaken in California that utilize federal funds, require discretionary federal approval, or are undertaken by federal agencies are subject to both NEPA and CEQA.

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 document 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 proposed crossing, has reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to modify the subject grade-separation structure 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 30, 2010. 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 reconstruct the D Street and E Street Interchanges and widen the Victorville Street (I-15) grade-separated crossing, CPUC Crossing No. 002-36.00-A and DOT No. 026078U, over four sets of railroad tracks owned by BNSF.
3. Caltrans requests permission for temporary deviation, during the construction period, from the vertical clearance requirements of GO 26-D.
4. Caltrans is the lead agency for this project under CEQA and NEPA.
5. Caltrans and FHWA prepared, pursuant to CEQA and NEPA, a joint Final Initial Study [with Mitigated Negative Declaration]/Environmental Assessment [with Finding of No Significant Impact] for the Interstate 15 Interchange Reconstruction project, signed June 27, 2008.
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.
7. In the Final Initial Study, the proposed project would have no significant adverse effect on the environment because identified mitigation measures would reduce the potential effects to less-than-significant levels.
8. Adverse noise impacts identified in the overall I-15 project pertains to sensitive receptors within the area. However, reasonable and feasible

mitigations have been adopted to reduce noise impacts to less-than-significant levels.

9. Safety, traffic/transportation, and noise are within the scope of the Commission's permitting process.

### **Conclusions of Law**

1. The 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 California Department of Transportation is authorized to reconstruct and widen the Victorville Street (I-15) grade-separated crossing, identified as CPUC Crossing No. 002-36.00-A and DOT No. 026078U, over four sets of railroad tracks owned by BNSF Railway Company, in the City of Victorville, San Bernardino County.

2. The California Department of Transportation is granted permission for a temporary impaired vertical clearance of 21 feet 6 inches (measured from top of rail to the lowest portion of the overhead structure) during the construction period only.

3. BNSF Railway Company shall issue instructions to their operating employees regarding the temporary reduced overhead clearance of 21 feet 6 inches beneath the I-15 overhead bridge structure. They shall submit the instructions in advance of the date when the California Department of

Transportation will create the temporary overhead clearance to the Los Angeles office of the Commission's Consumer Protection and Safety Division – Rail Operations Safety Branch and Rail Crossings Engineering Section. This notification may be made electronically to [rces@cpuc.ca.gov](mailto:rces@cpuc.ca.gov) .

4. The California Department of Transportation shall notify BNSF Railway Company and the Los Angeles office of the Commission's Consumer Protection and Safety Division – Rail Operations Safety Branch and Rail Crossings Engineering Section at least 15 days but not more than 30 days in advance of the date when they will create the temporary overhead clearance. Notification may be made electronically to [rces@cpuc.ca.gov](mailto:rces@cpuc.ca.gov) .

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

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 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 10-08-019 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.