

Decision 11-09-031 September 22, 2011

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

Application of the Union Pacific Railroad for authority to construct two grade-separated overpasses for the Yuma Subdivision track crossing, connector track at Mile Post 538.57 and crossing two BNSF San Bernardino Subdivision tracks at Mile Post 538.67.

Application 11-05-021  
(Filed May 13, 2011;  
Amendment filed  
June 16, 2011)

**DECISION GRANTING AUTHORIZATION TO THE UNION PACIFIC RAILROAD COMPANY TO CONSTRUCT TWO TRACK-OVER-TRACK GRADE-SEPARATED OVERPASSES FOR THEIR YUMA SUBDIVISION TRACKS, CROSSING A CONNECTOR TRACK AT MILE POST 538.57 AND CROSSING TWO BNSF RAILWAY COMPANY SAN BERNARDINO SUBDIVISION MAIN LINE TRACKS AT MILE POST 538.67 IN THE CITY OF COLTON, SAN BERNARDINO COUNTY**

**Summary**

This decision grants the Union Pacific Railroad Company authorization to construct two track-over-track grade-separated overpasses, crossing a UPRR-BNSF Railway Company connector track at mile post 538.57 and crossing two BNSF Railway Company San Bernardino Subdivision main line tracks at mile post 538.67 in the City of Colton, San Bernardino County. The new grade-separated crossings are to be identified as CPUC Crossing Number 001B-538.57-AT and 001B-538.67-AT, respectively, of the Union Pacific Yuma Subdivision main line tracks.

## **Discussion**

As part of the “Colton Crossing Project,” Union Pacific Railroad Company (UPRR) proposes to construct two new track-over-track grade-separated overpasses to eliminate the existing at-grade diamond track-over-track crossings at a UPRR connector track at mile post 538.57, and at the double diamond track-over-track BNSF Railway Company (BNSF) San Bernardino Subdivision main line tracks at mile post 538.67. The new track-over-track crossings are required to allow both UPRR and BNSF trains uninterrupted access through these two track intersections, improving the operational efficiency and capacity of each rail line. Additionally, the project will eliminate dwell times at these rail crossings by trains, reducing vehicle idling emissions for both trains and for traffic stopped at the existing nearby at-grade crossings, which will result in improved air quality. Additionally, safety will be improved because the potential for a collision between trains at the at-grade track-over-track crossing is eliminated. Although the crossing is controlled by wayside signals that control movement through operating rules, signal aspect, and train crew response, the potential still exists for an accident to occur due to human error.

UPRR’s Alhambra/Yuma Subdivision tracks run in a west-east direction and are located south of the Interstate 10 (I-10) freeway. Although the tracks are part of the same rail line, UPRR designates as Alhambra Subdivision the track from mile post 482.8 to milepost 538.5, and as Yuma Subdivision the track from mile post 538.5 to mile post 737.5. BNSF’s San Bernardino Subdivision tracks run in a north-south direction, crossing at-grade perpendicular to the two UPRR Yuma Subdivision main line tracks at mile post 538.67. The existing at-grade track-over-track crossing of these sets of main line tracks is known as the “Colton Crossing.” A substantial portion of freight movements between the Los Angeles

area (and its ports at Los Angeles and Long Beach) and the Inland Empire and points east pass through the Colton Crossing. The existing at-grade track-over-track crossing causes an operational constraint due to trains needing to stop to allow trains on the other track to pass, resulting in delays to the regional rail network where these two heavily traveled rail lines intersect, reducing line capacity and port take-away capabilities, and adding significantly to train and vehicle emissions.

In addition to UPRR and BNSF freight trains operating on these tracks, Amtrak operates passenger trains over both the UPRR Yuma Subdivision tracks, and the BNSF San Bernardino Subdivision tracks, and the Southern California Regional Rail Authority operates Metrolink regional commuter trains over the BNSF San Bernardino Subdivision tracks.

#### Associated Crossing Modifications

As part of the track-over-track grade-separated crossings project, UPRR proposes to raise the Yuma Subdivision tracks over the BNSF San Bernardino Subdivision tracks. In order to achieve this, UPRR would need to modify three existing grade-separated crossings, South Rancho Avenue, South La Cadena Drive and South Mount Vernon Avenue, all in the in the City of Colton, San Bernardino County. Authority to modify these existing structures was granted through Commission General Order (GO) 88-B authorizations on July 25, 2011. Associated GO 88-B authorizations included:

- o G.11-06-005 - to modify the existing grade-separated crossing UPRR Alhambra Subdivision tracks and South Rancho Avenue, identified as CPUC Crossing No. 001B-538.20-A and DOT No. 746983U, which includes realignment of UPRR's main line 1 and 2 tracks and

installation of an additional BNSF Connector track beneath the structure;

- G.11-06-006 - to modify the existing grade-separated crossing of UPRR Yuma Subdivision tracks and South Mount Vernon Avenue, identified as CPUC Crossing No. 001B-539.70-A and DOT No. 746988D, by adding and relocating tracks beneath the existing structure; and
- G.11-06-007 - to modify the existing grade-separated crossing of UPRR Yuma Subdivision tracks and La Cadena Drive, identified as CPUC Crossing No. 001B-538.90-B and DOT No. 746984B, by adding a second parallel overpass structure and relocating tracks on the existing structure.

These modified grade-separated crossings all involve the realignment of the two Alhambra-Yuma Subdivision main line tracks and a maintenance road within UPRR's right-of-way. The UPRR connector track and BNSF main line tracks both lie in between South Rancho Avenue and South Mount Vernon Avenue grade-separated crossings along this UPRR line.

General Order 26-D Clearance Requirements.

The proposed grade-separated track-over-track crossings will be built with retaining walls and/or slopes along both sides of the UPRR Yuma Subdivision main line tracks. At its highest point, near the new UPRR tracks over the BNSF tracks, the top of rail will be approximately 40 feet above the existing grade. The grade-separated crossings will consist of conventional steel rolled-beam type spans with ballasted decks, 50 feet wide. The substructure of the bridges will generally consist of 48-inch diameter cast-in-drilled-hole piles with cast-in-place pile caps and abutments. The elevated portion of the tracks would begin just east

of South Rancho Avenue and would continue east, returning to the existing grade before South Mount Vernon Avenue, a distance of approximately 1.5 miles.

The minimum vertical clearance from top of rail on the BNSF San Bernardino Subdivision main line tracks and the bottom of the proposed grade-separation structure will be 26 feet 5 inches which meets GO 26-D requirements of 22 feet 6 inches. Clearances for that structure will be maintained during construction.

The permanent minimum vertical clearance from top of rail on the UPRR-BNSF connector track, to the bottom of the proposed grade-separated overpass structure will be 23 feet 4 inches. However, during construction the vertical clearance will be 21 feet 4 inches. Since the vertical clearance of 21 feet 4 inches during construction will be less than the minimum 22 feet 6 inches as required by GO 26-D, UPRR requests permission for a temporary deviation from the vertical clearance requirements of GO 26-D. BNSF is in concurrence with the project and does not object to the temporary impaired overhead clearance during construction.

#### Future Project Crossing Modifications

In relation to the Colton Crossing Project, subject to the final execution of a Memorandum of Understanding (MOU) between the parties, other improvements would also be undertaken. CPUC authority for these additional improvements will be sought under the Commission's GO 88-B process, after the execution of the final MOU agreement and after crossing diagnostics are held with Commission staff, the City of Colton, and railroad. The additional improvements include:

- An additional grade-separation of the existing at-grade crossing of Laurel Street (CPUC Crossing No. 002B-2.10 and DOT No. 026449C) located on the BNSF San Bernardino Subdivision main line track in the City of Colton, San Bernardino County;
- Improvements to existing at-grade crossings that would allow the establishment of a railroad “Quiet Zone” in the City of Colton. Per the regulations established in the Federal Railroad Administration (FRA) Final Train Horn Rule (Title 49 Code of Federal Regulations, Part 222), the routine use of the locomotive train horn would be eliminated on approach to those public highway-rail crossings, provided certain conditions are met at the crossings to compensate for the absence of the train horn.

The proposed City of Colton Quiet Zone would include improvements at Valley Boulevard (CPUC Crossing No. 002B-3.10 and DOT No. 026456M) and Olive Street (CPUC Crossing No. 002B-2.40 and DOT No. 026450W), with the closure and removal of two existing at-grade crossings at H Street (CPUC Crossing No. 002B-3.00 and DOT No. 026455F) and E Street (CPUC Crossing No. 002B-2.80 and DOT No. 026452K), all located along the BNSF San Bernardino Subdivision main line tracks;

- Realignment of UPRR’s Riverside Industrial Lead tracks out of the center of 9<sup>th</sup> Street, from mile post 540.14 near the City of Colton, San Bernardino County to milepost 543.88 near the City of Riverside, Riverside County; and
- Abandonment of a segment of the UPRR’s Riverside Industrial Lead track that crosses over the Interstate 215 freeway from mile post

544.56 to mile post 545.83, in the City of Riverside, Riverside County.

### **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 the California Department of Transportation (Caltrans) because the project is designed and funded by, and under supervision of Caltrans, in furtherance of their responsibilities to construct and maintain the state's transportation system. UPRR adopts the environmental documents and findings for the purpose of its request to construct the two rail to rail grade-separated overpasses.

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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).

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

Pursuant to CEQA, Caltrans prepared an environmental document titled *Colton Crossing Rail to Rail Grade Separation Project, Initial Study/Mitigated Negative Declaration*, which identifies environmental impacts and associated mitigation measures related to the Colton Crossing Project. Caltrans approved the CEQA document on May 11, 2011. In addition, under CEQA Caltrans filed a Notice of Determination (NOD) on May 12, 2011. The NOD states that 1) the project will not have a significant effect on the environment; 2) a Negative Declaration was prepared for this project pursuant to the provisions of CEQA; 3) mitigation measures were made a condition of the approval of the project; and 4) A mitigation report or monitoring plan was adopted for this project.

In the Initial Study/Mitigated Negative Declaration (IS/MND), findings indicate the proposed project would have no significant effect on noise, transportation and traffic which are under Commission's jurisdiction. All other effects were found to be either not significant or would be reduced to less-than-significant levels with the implementation of the identified mitigation measures. Potential impacts affecting the aesthetics and archaeological resources in the area were identified, but with proposed aesthetic treatments and establishment of seven archaeological sites, the effects would be minimized and were determined less-than-significant.

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

In addition, pursuant to the National Environmental Policy Act (NEPA),<sup>4</sup> the Federal Highway Administration (FHWA), in cooperation with the FRA and coordination with the San Bernardino Associated Governments (SANBAG) and Caltrans prepared a joint environmental document titled *Colton Crossing Rail to Rail Grade Separation Project an Environmental Assessment with Finding of No Significant Impact (EA/FONSI)* which identified environmental impacts and associated mitigation measures related to the Colton Crossing Project, including the two new track-over-track grade-separated crossings. FHWA approved the joint NEPA document on May 26, 2011.

The Commission reviewed and considered the IS/MND, NOD and EA/FONSI 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 3.10 of the Rules of Practice and Procedure, which relates to the construction of a railroad across a railroad. In addition to its initial filing, the applicant filed an amendment on June 16, 2011 to include an additional exhibit: Exhibit "G" titled "Environmental Assessment with Finding of No Significant Impact."

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section has inspected the site of the proposed crossings, has reviewed and analyzed the plans submitted with the application, and

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<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.

recommends that the requested authority to construct the two subject track-over-track grade-separation crossing structures be granted for a period of three years.

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

In Resolution ALJ 176-3274 dated May 26, 2011, 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**

Michelle Cooke 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 20, 2011. The application was amended on June 16, 2011 to include an additional exhibit: Exhibit "G" titled "Environmental Assessment with Finding of No Significant Impact." There are no unresolved matters or protests. A public hearing is not necessary.

2. UPRR requests authority, under Public Utilities Code Sections 1201-1205, to construct two track-over-track-grade-separated overpasses to eliminate the existing at-grade diamond track-over-track crossings at a UPRR-BNSF connector track at mile post 538.57, and at the double diamond track-over-track crossing of

BNSF San Bernardino Subdivision tracks at mile post 538.67. The proposed CPUC Crossing Nos. will be 001B-538.57-AT and 001B-538.67-AT, respectively, of UPRR Yuma Subdivision main line track in the City of Colton, San Bernardino County.

3. UPRR requests permission for a temporary deviation, during the construction period, from the vertical clearance requirements of GO 26-D for construction of the overpass of the connector track at mile post 538.57.

4. Caltrans is the lead agency for this project under CEQA and the FHWA is the lead agency under NEPA.

5. Under CEQA, Caltrans prepared the *Colton Crossing Rail to Rail Grade Separation Project, Initial Study/Mitigated Negative Declaration*, and adopted a NOD indicating the project would not have a significant effect on the environment with the adoption of mitigation measures and a mitigation reporting and monitoring plan.

6. Caltrans certified the IS/MND on May 11, 2011 and filed a NOD in compliance with CEQA, dated May 12, 2011, indicating the proposed project would have no significantly adverse effect on the environment because identified mitigation measures would reduce the potential effects to less-than-significant levels.

7. The FHWA, in cooperation with the FRA, and in coordination with the San Bernardino Associated Governments and Caltrans, prepared a joint environmental document titled *Colton Crossing Rail to Rail Grade Separation Project an Environmental Assessment with Finding of No Significant Impact* for the project. FHWA approved the joint NEPA document on May 26, 2011.

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

9. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's IS/MND, NOD and EA/FONSI.

10. The Commission has reviewed and considered the information contained in the IS/MND.

11. The IS/MND reflects the Commission's independent judgment and analysis.

### **Conclusions of Law**

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

2. The IS/MND was 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. Union Pacific Railroad Company is authorized to construct two track-over-track grade-separated overpasses to eliminate the existing at-grade diamond track-over-track crossings at Union Pacific Railroad Company Connector track at mile post 538.57 and at double diamond track-over-track BNSF Railway Company San Bernardino Subdivision tracks at mile post 538.67, in the City of Colton, San Bernardino County. The proposed CPUC Crossing Nos. are 001B-538.57-AT and 001B-538.67-AT, respectively of UPRR Yuma Subdivision main line track, in the City of Colton, San Bernardino County.

2. Union Pacific Railroad Company is granted permission for a temporary impaired vertical clearance of 21 feet 4 inches (measured from top of rail to the

lowest portion of the overhead structure or construction falsework) during the construction period only, for the overpass of the connector track.

3. Union Pacific Railroad Company and BNSF Railway Company shall issue instructions to their operating employees regarding the temporary reduced overhead clearance of 21 feet 4 inches beneath the new connector track overpass bridge structure. The railroads shall submit the instructions in advance of the date when the Union Pacific Railroad Company will create the temporary overhead clearance, and shall provide a copy to the Los Angeles office of 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. Union Pacific Railroad Company shall notify BNSF Railway Company and the Los Angeles office of 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 Union Pacific Railroad Company shall notify 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. Union Pacific Railroad Company 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 11-05-021 is closed.

This order becomes effective today.

Dated September 22, 2011, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
TIMOTHY ALAN SIMON  
MICHEL PETER FLORIO  
CATHERINE J. K. SANDOVAL  
MARK J. FERRON  
Commissioners