

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Cathedral City for an order authorizing City of Cathedral City to widen the existing Date Palm Drive Overhead which crosses over the tracks of Union Pacific Railroad at milepost 594.45.

Application 02-05-045
(Filed May 17, 2002)

O P I N I O N**Summary**

Cathedral City (City) requests authority to widen the existing 75-foot wide Date Palm Drive Overhead grade separation bridge structure from four to six striped lanes, construct infill crash walls along piers 2 and 3 between the existing columns that seismically retrofit the existing overhead bridge, and provide a center median, sidewalks, a Class 2 bikeway, and soffit lighting.

Discussion

The Date Palm Drive Overhead grade separation bridge structure is located just south of Date Palm Interchange at the I-10 freeway in Cathedral City, and is the only vehicular access from the I-10 freeway. The bridge structure carries vehicular traffic over the Union Pacific Railroad Company (UP) track to the I-10 interchange. The bridge and interchange are scheduled for improvements as part of a regional effort to accommodate current and future projected traffic. The City conducted the last traffic study in 1999 that showed approximately 25,000 was the average daily trips per day for Date Palm Drive. It is expected to increase to 74,200 average daily trips in 2025. The existing bridge

will not be able to accommodate estimated traffic at an acceptable level of service.

Additionally, the single track below the overhead bridge carries 41 freight trains per day. Under construction is a double-tracking effort that is anticipated to reach City and Date Palm Drive Overhead in mid 2002. Given the limited amount of railroad right of way, City is attempting to construct the overhead bridge prior to double tracking of the railroad. This effort will save thousands of dollars, minimize the construction length and provide a safer working environment for those involved in the construction of the bridge.

The City requests a temporary vertical clearance of 21 feet 0 inches during construction for false work. UP approved the variance for the temporary vertical clearance.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. The City filed Notice of Determination (NOD) on February 20, 2002 with the Riverside County Clerk's Office, which found that the proposed project would not have a significant effect on the environment. The City prepared and certified a Negative Declaration for the project. Mitigation measures were not made for the condition of project approval. Additionally, the City found that once completed the project would have beneficial effects by improving traffic circulation and emergency response time.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or

Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050 (b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed the City's environmental documents and finds them adequate for our decision-making purposes. Safety, security, transportation and noise are within the scope of the Commission's permitting process.

The project is located in a substantially undeveloped area of the City. The surrounding vacant land consists of desert dunes and hills. The proposed bridge widening will represent increased structural surfaces and will have a minor impact on the scenic resources in the area.

Although the City's Negative Declaration and NOD did not adopt mitigation measures as a condition of project approval, we note that the City will implement mitigation measures according to the NOD. For example, according to the various biological studies that have been conducted over the last three years, there are no endangered or threatened animal species found in the project area. However, the following mitigation measures will be implemented to reduce the potential to disturb potential habitat: (1) limit the construction and all project activities to a well defined area, (2) drive only on existing roads and paths outside the construction area, (3) limit the speed on dirt roads to 10 miles per hour and (4) set aside and replace topsoil and Coachella fine sand whenever possible.

In addition, the City will implement standard construction practices for Caltrans, RCTD, and CUAG requiring the latest seismic standards, as well as Best Management Practices to protect soil surfaces and any potential geology and soil impacts. The project will increase the traffic capacity of the existing bridge

overhead and increase the potential for the transport of hazardous materials over the bridge as it provides access to I-10. Although the transport of hazardous materials has its own set of regulations, it is still reasonably foreseeable that a potentially significant event could occur that would be detrimental to the public. The probability of an incident actually happening is incredibly low in comparison to the number of trips the bridge will accommodate. In that regard the impact is insignificant.

According to the Noise Abatement Criteria (NAC), a 67 dBA is the maximum acceptable noise level for residences. Existing noise levels were measured at the closest home to the project area, which is located at the southwest corner of Vista Chino and Horizon Road. The noise measurement taken for a 15-minute period on December 15, 1999 was 55 dBA. The project is not expected to increase the dBA at the nearest sensitive receptor and will continue to comply with NAC.

The Date Palm Interchange area is a federal nonattainment area for respirable particulate matter (PM10) and carbon monoxide. The California Air Resources Board (CARB) recommended the area to be redesigned as federal attainment zone for PM10. The project is located in a state nonattainment area for ozone and PM10.

The air quality analysis that was conducted for the Date Palm Interchange project identified fewer levels of carbon monoxide concentrations with the construction of the new interchange. Since the overhead widening was also considered as part of that study, it was concluded that carbon monoxide would not be increased, as concentrations will not increase as a result of this project. Widening the bridge will allow for quicker movement of existing traffic to access the interchange. Easing this existing congesting will lower emissions from

vehicles and therefore aid in lowering ozone levels. PM10 is a significant potential impact during construction but is not an issue after construction is completed. During construction, strict PM10 acceptable practices shall be followed which include watering disturbed areas to compact sand and dust particles.

We find that the City reasonably concluded that the project would not have a significant effect on the environment. We also adopt the mitigation measures adopted in conjunction with the NOD for purposes of our approval.

The Commission's Consumer Protection and Safety Division — Rail Crossings Engineering Section staff have inspected the site of the project. Staff examined the need for and the safety of the proposed overhead grade separation bridge structure widening and related railroad construction and recommends that the application be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 39 of the Rules of Practice and Procedure, which relates to the widening of an existing crossing. A site map of the grade crossings is as shown on plans attached to the application and Appendix A.

In Resolution ALJ 176-3089, dated June 7, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no hearings were held, this preliminary determination remains accurate. The Commission's Consumer Protection and Safety Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3089.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day effective period for public review and comment is being 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 Daily Calendar on May 29, 2002. No protests have been received. A public hearing is not necessary.
2. City requests authority, under Public Utilities Code Sections 1201-1205, to widen the Date Palm Drive Overhead grade separation bridge structure over UP's main line track.
3. The widening of Date Palm Drive Overhead grade separation will serve public need by accommodating current and projected vehicular traffic through the I-10 interchange.
4. Public convenience, necessity and safety require the widening of the Date Palm Drive Avenue overpass grade separation bridge structure.
5. City is the lead agency for this project under CEQA, as amended.
6. On February 20, 2002, the Riverside County Clerk received and filed the City's Notice of Determination per CEQA, which certified the City's Negative Declaration and found that the project will have no significant adverse effect on the environment. The City found that the project would have beneficial effects such as improvements in traffic circulation and emergency response times.
7. The Commission is a responsible agency for this project under CEQA.
8. The Commission finds the City's environmental documents are adequate for our decision-making purposes.
9. The Commission finds that the City reasonably concluded that the project will not have a significant environmental effect.

10. We will adopt the mitigations which accompanied the City's NOD for purposes of our approval.

Conclusions of Law

1. This order should be effective immediately as City wishes to commence construction of the project at the earliest possible date to avoid construction during the rainy season.

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

O R D E R

IT IS ORDERED that:

1. Cathedral City (City) is authorized to widen an existing Date Palm Drive overhead grade separation, identified as Crossing No. 3-594.45, over the main line tracks of Union Pacific Railroad Company (UP).

2. Clearances shall be in accordance with General Order (G.O.) 26-D; except that during the period of construction, a vertical clearance of not less than 21 feet 0 inches above top of rail is authorized, and UP shall be authorized to operate with such reduced overhead clearance provided that the railroad issues instructions (and files them with the Commission's Consumer Protection and Safety Division) limiting the height of loads beneath the structure.

3. Walkways shall conform to G.O. 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between parties. A copy of the agreement, together with plans of the project approved by UP, shall be filed with the Commission by

City prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work was completed.

6. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

7. The application is granted as set forth above.

8. Application 02-05-045 is closed.

This order is effective today.

Dated _____, at San Francisco, California.



