

Decision \_\_\_\_\_

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

Application of the City of Sacramento to modify the 21st Street rail crossing of the Sacramento Regional Transit District and the Union Pacific Railroad from a one-way street to a two-way street in the City of Sacramento, Sacramento County, State of California.

Application 05-12-029  
(Filed December 27, 2005;  
Supplement filed  
September 5, 2006)

**OPINION****Summary**

This decision grants the City of Sacramento's (City) request for authority to modify the at-grade highway-rail crossing at 21st Street from a one-way street to a two-way street over the tracks of the Sacramento Regional Transit District (District) and the Union Pacific Railroad (UPRR) in the City. The crossing is identified as Commission Crossing Nos. 083S-2.42/004-136.90.

**Discussion**

The City requests authority to modify the existing at-grade highway-rail crossing at 21st Street in the City. Twenty-First Street is currently a northbound, three-lane, one-way street at the crossing location, a crossing jointly used by the District and UPRR. There is a significant skew to the crossing of approximately 62 degrees. The project will change 21st Street into a two-way street with two lanes northbound and one lane southbound at the crossing. In conjunction with the project, the parallel Freeport Boulevard will also be converted from a one-way to a two-way street. The City recently acquired control of the two streets from the California Department of Transportation (Caltrans), which had

converted the streets from a two-way configuration to one-way streets in the 1970s. The City states that the project to convert the streets back to the original two-way configuration and adding bicycle lanes will have traffic calming effects resulting in overall reduction of speeds that will improve the local neighborhood by improving overall safety of vehicles, pedestrians, and bicyclists.

This is a three-track crossing with UPRR operating 18 trains per day at 25 miles per hour on the northern-most track and the District operating 133 light rail trains per day at 55 miles per hour on the two southern-most tracks. There is a District light rail station on the southeast quadrant of the crossing.

The current vehicular Average Daily Traffic (ADT) count is approximately 10,100 vehicles per day at 35 miles per hour. This would increase to 10,600 vehicles per day after project completion. The year 2025 ADT is projected to be 15,600 vehicles per day at 35 miles per hour.

The existing warning devices consist of one Commission Standard 9-A (flashing light signal assembly with automatic gate arm and additional flashing light signals over the roadway on a cantilevered arm) on the southeast quadrant for the one-way northbound lanes of 21st Street, one Commission Standard 9 (flashing light signal assembly with automatic gate) where 21st Street intersects with Freeport Boulevard immediately south of the crossing and four Commission Standard 8s (flashing light signal assemblies) with three located on the northern quadrants of the crossing, one on the southwest quadrant, between Freeport Boulevard and the crossing. Refer to Appendix A.

To effect the conversion to a two-way traffic, the existing northbound Standard 9-A will remain in place. The existing Standard 9 will be relocated to coincide with the realignment of the intersection of 21st Street and Freeport Boulevard. A new Standard 9-A will be installed and replace the existing

Standard 8 on the northwest quadrant of the crossing for southbound traffic. The three other Standard 8s will remain in their current locations.

Due to the close proximity of the intersection of 21st Street with Freeport Boulevard to the south of the crossing, traffic pre-signals will be installed to supplement the Standard 9A on the north side of the crossing to control southbound traffic. With conventional traffic signal control at the intersection of 21st Street and Freeport Boulevard, any southbound vehicles stopped at the intersection would be queued on the tracks. To deter southbound vehicles from stopping on the tracks at this intersection, the pre-signal will be sequenced to present a stop signal at the southbound crossing gate in advance of the tracks while a green signal at the intersection of 21st Street and Freeport Boulevard is illuminated for any traffic that gets beyond the pre-signal, allowing them to clear the tracks. A California Manual on Uniform Traffic Control Devices (CA MUTCD) R8-8 "DO NOT STOP ON TRACKS" sign will be posted in both vehicular directions and a CA MUTCD R10-6 "STOP HERE ON RED" sign will be posted at the pre-signal.

Additionally, the traffic signal at 21st Street and Freeport Boulevard, just south of the crossing, as well as the next intersection south of the crossing, at 21st Street and Vallejo Street, along with the pre-signal and crossing warning devices will be interconnected with track circuitry for advanced preemption. Information supplied by the City demonstrates that the preemption timing provides that the sequence and timing of train approach, traffic signal activation, warning device activation and signal phasing achieve crossing clearance. The District has analyzed the City's preemption design and provided a letter indicating their review and agreement with the proposed preemption.

The intersection of 21st Street/4th Avenue/Portola Way, just to the north of the crossing, will be redesigned to deter motorists from making an illegal left turn onto 4th Avenue from southbound 21st Street and also to deter motorists from making an illegal left turn from westbound 4th Avenue onto southbound 21st Street. A 150-foot long unmountable raised median island will be installed on the north side of the crossing to further deter unsafe movements by motorists. A CA MUTCD R3-2 "NO LEFT TURN" sign will be posted on the south end of that raised median to warn and deter southbound drivers from making an illegal left turn onto 4th Avenue. At the 21st Street/4th Avenue/Portola Way intersection at the northeast quadrant of the crossing, the City will install two new raised median islands and modify the existing raised median island to better channelize motorists and to deter illegal turns. Refer to Appendix B.

The two northbound lanes of 21st Street will merge into one lane approximately 700 feet north of the crossing. A no parking zone will be created along the northwest side of 21st Street from the crossing to a point approximately 100 feet north of the Standard 9-A warning device. CA MUTCD W10-12 "SKEWED CROSSING" advanced warnings signs will be installed in both traffic directions. All new and existing pavement markings and crossing signage will be installed, maintained or reinstalled as per the CA MUTCD.

Due to concerns regarding the proximity of nearby intersections and the inherent advantages of a one-way street railroad crossing configuration, the Commission Staff has worked with the City's designers to modify the original design proposal to implement a safer design, given roadway and track geometry. In addition to reconfigured design elements enumerated more fully above, in the City's Supplemental filing, the City has provided Commission Staff with numerous letters and a petition of support (signed by over 400 individuals) for

the project that it has received from local residents. Additionally, the District, UPRR, the Sacramento City Council and the Mayor of Sacramento provided letters of support.

To assure the crossing functions as the Applicant, Staff and other parties intend, Staff has requested, and the City and District have agreed, to a monitoring and reporting period both prior to and subsequent to the conversion.

Prior to the conversion, the City agreed to monitor and collect vehicular speed data, for a minimum of 30 days, along the one-way section of both 21st Street and Freeport Boulevard, north of the crossing. Subsequent to the conversion to a two-way configuration, the City also agreed to monitor and collect the same type of data from the same locations, for a minimum of 90 days. Within 120 days of placing the conversion in service, the City will provide the Commission Staff with a report on the effect of the conversion on roadway speeds.

The City agreed to also monitor the crossing and adjacent intersections for a minimum of 90 days subsequent to the conversion and provide a report to the Commission Staff within 120 days of placing the conversion in service regarding the effectiveness of the established preemption timing and the effectiveness of the pre-signal in deterring vehicles from queuing on the crossing. Refer to Appendix C.

The District has agreed to issue an Operating Bulletin to its operators upon implementation of the conversion to alert them to the reconfigured crossing. The District further agreed to collect any reports of near misses or other hazards at the crossing for a period of 30 days before and 90 days after placing the crossing in service and to report on such findings within 30 days after the data collection period. Refer to Appendix D.

The crossing is currently included as part the City's Quiet Zone, established pursuant to title 49 Code of Federal Regulations, Part 222, and qualified with the highest Risk Index of the 28 crossings in this designated Quiet Zone. For quiet zones, risks are averaged over all crossings within the quiet zone, and this specific crossing would not have otherwise qualified on its own. The City's report provided to Staff shall identify any situations or incidents which may have been caused by or contributed to by the absence of the sounding of the train horn. As noted in Appendix C to this decision, as part of its report to the Commission staff, the City shall specifically evaluate and determine whether this crossing should remain a part of this designated Quiet Zone.

### **Environmental Review**

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 must 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 the public agency with the greatest responsibility for supervising or approving the project as a whole.<sup>1</sup> Here, City is the lead agency

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

for this project and the Commission is a responsible agency. 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>2</sup>

The City filed a Draft Environmental Impact Report (DEIR) in June 2004 and the Final Environmental Impact Report (FEIR) in September 2004. The FEIR directly addresses the concerns raised by Commission Staff in DEIR comment letters sent to the City on June 30, 2004 and August 4, 2004 and acknowledges the jurisdiction of the Commission. It also indicates the City will meet any safety requirements put forth by the Commission. We have reviewed the FEIR for the project and believe it is adequate for our decision-making purposes.

With respect to the potentially significant noise and transportation impacts identified in the FEIR, the Commission finds that the City adopted feasible mitigation measures to either eliminate or substantially lessen those impacts. The City adopted a Statement of Overriding Considerations for those impacts (which were unrelated to noise and transportation) that could not be mitigated to less-than-significant levels. We will adopt City's environmental findings and mitigations for purposes of our approval.

### **Filing Requirements and Staff Recommendation**

Rail Crossings Engineering Section of the Consumer Protection and Safety Division Staff inspected the site of the proposed crossing modification and worked extensively with the City on enhancements to its design. Staff does not oppose the conversion and after reviewing the proposed crossing, staff

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<sup>2</sup> CEQA Guidelines, Sections 15050(b) and 15096.

recommends that the requested authority to modify the subject crossing be granted for a period of two years. Staff also recommends, and the City and District have agreed, that monitoring of the crossing occur and reports enumerated above be provided to Staff within 120 days of placing the conversion in-service. Application 05-12-029 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 3.7, which relates to the alteration of an existing railroad crossing.

**Categorization and Need for Hearings**

In Resolution ALJ 176-3165, dated January 12, 2006 and published in the Commission's Daily Calendar (CDC) on January 13, 2006, the Commission preliminarily categorized this application as Ratesetting, and preliminarily determined that hearings were not necessary. Notice of the Application was published in the CDC on December 29, 2005. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3165.

**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 CDC on December 29, 2005. There are no unresolved matters and no protests have been filed. A public hearing is not necessary.
2. The City requests authority, under Public Utilities Code Sections 1201-1205, to modify the at-grade crossing at 21st Street. The crossing is identified as Commission Crossing Nos. 083S-2.42/004-136.90.
3. The City has agreed to monitor the crossing prior to and subsequent to construction as summarized in the discussion above, and shall provide a report to Staff within 120 days after placing the crossing in-service with the two-way configuration. Additionally, the District has also agreed to monitor the crossing

as noted in this decision, and provide the Staff a report within 120 days of the City placing the reconfigured crossing in-service.

4. The City is the lead agency for the project under CEQA, as amended.

5. The Commission is a responsible agency for this project and has reviewed and considered the City's environmental documentation specified in this decision, and finds the documentation adequate for decision-making purposes.

6. The Commission finds that for each potentially significant impact related to safety, transportation, or noise, the City sought feasible mitigation measures to reduce those impacts to less-than-significant levels. For those impacts that they were unable to reduce to less-than-significant levels, the City adopted a Statement of Overriding Consideration in its approval of the project.

7. The project is supported by the Mayor of Sacramento, the District, UPRR and the local community.

### **Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

## **O R D E R**

### **IT IS ORDERED** that:

1. The City of Sacramento (City) is authorized to modify the at-grade crossing at 21st Street. The crossing is identified as Commission Crossing Nos. 083S-2.42/004-136.90.

2. The crossing shall be equipped with warning devices as summarized in the discussion section of this decision and Appendices A and B to this decision.

3. The City and the Sacramento Regional Transit District (District) shall, as summarized in the discussion section of this decision, monitor the crossing and

provide the Commission Staff with reports as outlined in Appendices C and D to this decision.

4. The City shall comply with all mitigations required in the Final Environmental Impact Report.

5. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the City, the District and the Union Pacific Railroad (parties). Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Within 30 days after completion of the work under this order, the District shall notify the Commission's Rail Crossing Engineering Section (RCES) in writing, by submitting a completed Standard Commission Form G (*Report of Changes at Highway Grade Crossing and Separations*), that the authorized work was completed.

7. This authorization shall expire if not exercised within two 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.

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

9. This application is granted as set forth above.

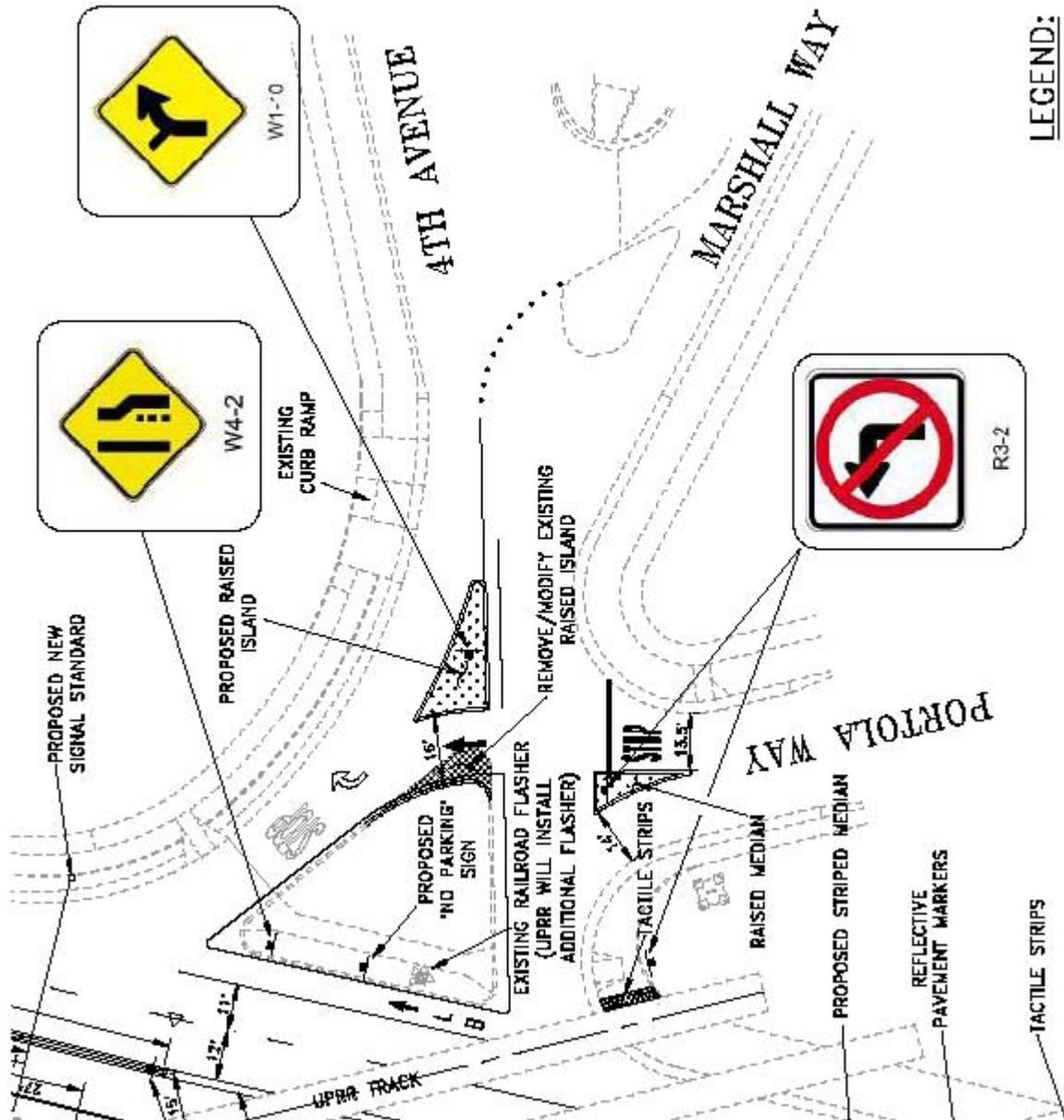
10. Application 05-12-029 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.



# Appendix B



## **Appendix C**

### **21st Street Crossing Monitoring Program (City)**

The City of Sacramento (City) have agreed to the following monitoring plan to verify whether the traffic signal preemption timing is correct, efficiently and consistently clearing traffic and if motorists are complying with the new pre-signal on southbound 21st Street. The plan will also collect data to confirm the City's contention that the two-way conversion will have a traffic calming effect, reducing overall speeds on Freeport Boulevard and on 21st Street.

The City has agreed to perform the following tasks:

1. Collect traffic count data at 7-8 am, 12-1 pm, and 4:30-5:30 pm for 30 days prior to and 90 days after modification on 21st Street between Freeport and 2nd Avenue and on Freeport between 2nd Avenue and 21st Street.
2. Collect traffic speed data at 7-8 am, 12-1 pm, and 4:30-5:30 for 30 days prior to and 90 days after modification on 21st Street between Freeport and 2nd Avenue and on Freeport between 2nd Avenue and 21st Street.
3. Monitor traffic compliance at the new pre-signal.
4. Conduct a pre-emption analysis at the intersections of 21st Street and Freeport and Freeport and Vallejo to verify traffic signal timing.
5. The City shall identify any situations or incidents which may have been caused by or contributed to by the absence of the sounding of the train horn.

If there is a significant occurrence at any time during the monitoring process, the City will contact CPUC staff immediately so that safety countermeasures can be discussed, and implemented as soon as possible.

Once all data are collected the City will collect their findings into a report and submit it to CPUC staff. The report will be submitted to the CPUC Rail Crossings Engineering Section Supervisor with a copy to SRTD, within 30 days following the data collection period. The report is to include the following:

1. A before and after summary of traffic volumes by date and hour.
2. A before and after summary of average traffic speeds by date and hour.
3. A narrative of any compliance issues related to the traffic pre-signal.

## Appendix C

4. A narrative of any operational or compliance issues related to queuing and traffic signal pre-emption, including an evaluation of the overall effectiveness of the traffic signals and preemption timing established
5. The City shall specifically evaluate any situations or incidents that were identified which may have been caused by or contributed to by the absence of the sounding of the train horn and shall specifically address in its report whether this crossing should remain a part of this designated Quiet Zone.

## Appendix D

### 21st Street Crossing Monitoring Program (SRTD)

The Sacramento Regional Transit District (SRTD) has agreed to the following monitoring plan to verify continued safety at the 21st Street highway-rail grade crossing. The plan will also help verify if the traffic signal timing is correct and if motorists are complying with the new pre-signal on southbound 21st Street. SRTD will be installing a video surveillance camera at the crossing.

The SRTD has agreed to perform the following tasks:

1. Issue a Condition Change in their Daily Bulletin at the time construction begins. SRTD will issue a revised Condition Change when reconfigured crossing is placed back in service.
2. Record near miss/emergency occurrences for 30 days prior to and 90 days after modification.
3. Document all unusual occurrences, broken gates, etc.

If there is a significant occurrence at any time during the monitoring process, the SRTD will contact CPUC staff immediately so that safety countermeasures can be discussed and implemented as soon as possible.

Subsequent to data collection, SRTD will gather their findings into a report and submit it to CPUC staff. The report will be submitted to the CPUC Rail Crossings Engineering Section Supervisor with a copy to the City, within 30 days following the data collection period. The report is to include the following:

1. Itemized list of occurrences at the crossing, including the date and time of day and a description of the unusual occurrence.
2. A narrative evaluation of the effectiveness of the new crossing treatments and any recommendations to address identified concerns or specific occurrences.