

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of El Segundo for an Order Authorizing construction of Douglas Street across the right of way and beneath the existing aerial structure of the Los Angeles County Metropolitan Transportation Authority Light Rail Metro Green Line at its mile post T-2.2 and beneath the Harbor Branch track of the Burlington Northern Santa Fe Railway at Harbor Branch Mile Post 15.1.

Application 02-10-038
(Filed October 21, 2002)

OPINION**Summary**

City of El Segundo (City) requests authority to construct a grade-separated highway-rail crossing connecting existing segments of Douglas Street, in the City of El Segundo, Los Angeles County.

Discussion

LACMTA owns the right-of-way within the project limits, which were originally owned and operated by Atchison, Topeka, and Santa Fe Railway Company. BNSF operates freight trains and LACMTA operates light rail passenger trains over their respective tracks.

Thoroughfares serving the office, commercial aerospace engineering and manufacturing complexes in the El Segundo-Manhattan Beach-Hawthorne area are experiencing traffic congestion. The proposed grade-separated highway-rail crossing will help alleviate the congestion in the area by connecting the north and

south components of Douglas Street. The proposed underpass is an essential part of the City's General Plan Circulation Element for the development of an adequate network of secondary arterials to carry pedestrians, bicyclists, and vehicles.

The proposed underpass will carry Douglas Street beneath the tracks of LACMTA and BNSF by means of a grade separated structure. The total length of the underpass will be about 111 feet from abutment to abutment. The roadway at the underpass will consist of four 11-foot wide vehicular lanes, one 11-foot wide median, and two bicycle path-sidewalks.

At the site of the proposed underpass is an at-grade pedestrian crossing (CPUC Crossing No. 2H-15.1-D). The warning devices at the pedestrian crossing consist of two Standard No. 8 (flashing light signals) as described in Commission General Order (GO) 75-C. During construction of the underpass, the BNSF track will be temporarily detoured by a bypass track. The pedestrian crossing and warning devices will be temporarily relocated approximately 50 feet north of its current location.

When the bridge structure for the BNSF track is completed, the track will be restored to its original alignment and the bypass track removed, and the temporary pedestrian crossing will be restored to its original location. Upon completion of the underpass, the pedestrian crossing will be permanently removed.

The City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, as stated in Public Resources Code Section 21000 et seq. In order to satisfy the CEQA requirements, on February 5, 2003 the City in conjunction with the California Department of Transportation (Caltrans) prepared and adopted a Negative Declaration. The

Negative Declaration, a copy of which is included in Appendix A, found that the project would have no significant effect on the environment. Specifically, there would be no significant effects to specified environmental concern areas including, but not limited to, land use, community growth, population, housing, open space, recreation, agriculture, aesthetics, air quality, cultural resources, noise, and water. The Negative Declaration did note that the project design modifications were included in order to maintain traffic effects at less-than-significant levels.

Furthermore, on February 2, 2003, the Federal Highway Administration (FHWA) approved the project and adopted a Finding of No Significant Impact (FONSI) for the project; a copy is included in Appendix B.

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 and considered the lead agency'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 Negative Declaration or FONSI did not identify environmental impacts related to safety, security, transportation, and noise. We will adopt the determination of the City and FHWA, finding that this project will not have a significant effect on the environment.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section staff (RCES) inspected the site of the proposed Douglas Street underpass. After reviewing the need for and the safety of the proposed Douglas Street underpass and the temporary at-grade pedestrian-rail crossing at the detour track, RCES recommends that the City's request be granted.

The application is in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of public highway-rail crossings and separations. A site vicinity map of the proposed Douglas Street underpass is shown in the application and in Appendix C attached to this order.

In Resolution ALJ 176-3099, dated November 7, 2002 and published in the Commission Daily Calendar on November 8, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed, this preliminary determination remains accurate. Given these developments a public hearing is not necessary, and it is not necessary to revise the preliminary determinations made in Resolution ALJ 176-3099.

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 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. The Commission published a Notice of the Application in the Commission Daily Calendar on November 5, 2002. There are no unresolved matters or protests; a public hearing is not necessary.

2. The City requests authority, under Public Utilities Code Sections 1201-1205, to construct the Douglas Street underpass across the right of way and beneath the existing aerial structure of the of LACMTA Light Rail Metro Green Line and to eliminate the existing at-grade pedestrian-rail crossing over the BNSF tracks, in the City of El Segundo, Los Angeles County.

3. Public convenience, safety and necessity require the grade separation of Douglas Street.

4. Public convenience and railroad operations require that this project be undertaken in stages, which will include the construction of a temporary bypass track northerly of the mainline tracks so that existing rail traffic is not affected, and a temporary at-grade pedestrian-rail crossing at the bypass track to be constructed approximately 50 feet north of the existing alignment to divert pedestrian traffic away from the construction area.

5. Public safety requires that the warning devices at the relocated temporary at-grade pedestrian-rail crossing consist of two Standard No. 8 (flashing light signals) installed one on each approach.

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

7. On February 5, 2003 the City in conjunction with the Caltrans prepared and adopted a Negative Declaration finding that the project will not have a significant effect on the environment.

8. On February 24, 2003, FHWA approved the project and adopted a FONSI for the underpass finding that the project will have no significant impact on the environment.

9. The Commission is a responsible agency for this project and has reviewed and considered the environmental documents filed by the City, Caltrans and FHWA.

10. The Commission adopts the findings of the Negative Declaration and FONSI for purposes of our project approval.

Conclusions of Law

1. There are no unresolved matters or protests; 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. City of El Segundo (City) is authorized to construct an underpass connecting existing segments of Douglas Street, across the right-of-way owned by the Los Angeles County Metropolitan Transportation Authority (LACMTA) Light Rail Metro Green Line and beneath LACMTA's aerial structure at mile post T-2.2, and beneath the Harbor Branch Line of the Burlington Northern Santa Fe Railway (BNSF) at mile post 15.1, in the City of El Segundo, Los Angeles County, at the location and substantially as shown by plans attached to the application and Appendix C of this order.

2. During the period of construction, the City is authorized to relocate an existing at-grade pedestrian-rail crossing at the bypass track to be constructed approximately 50 feet north of the existing alignment.

3. City shall ensure that one Standard No. 8 (flashing light signals) warning device as described in General Order (GO) 75-C is installed at the temporary detour at-grade pedestrian-rail crossing on each approach.

4. Upon completion of the bridge structure for the BNSF track, the temporary pedestrian crossing and warning devices shall be restored to their original location.

5. Upon completion of underpass grade separation and its opening to vehicular and pedestrian traffic, the existing at-grade pedestrian-rail crossing of Douglas Street (CPUC Crossing No. 2H – 15.0-D), shall be closed and physically removed.

6. Clearances shall conform to GO 26-D.

7. Walkways shall conform to GO 118.

8. Construction and maintenance costs shall be borne in accordance with an agreement between the City, LACMTA, and BNSF. City shall provide a copy of the agreement to the Commission's Rail Crossings Engineering Section staff (RCES) prior to starting construction. Should the City, LACMTA, and BNSF fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

9. Within 30 days after completion of the work under this order, BNSF shall notify RCES in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work was completed.

10. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. The Commission may revoke or modify this authorization if public convenience, necessity, or safety so require.

11. The application is granted as set forth above.

12. Application 02-10-038 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

APPENDIX A
NEGATIVE DECLARATION

CITY OF EL SEGUNDO
Department of Public Works

DATE OF APPROVAL

NEGATIVE DECLARATION (CEQA)
Pursuant to: Division 13, Public Resources Code

**Douglas Street Gap Closure, Intermodal Transit Center
and Railroad Grade Separation Project**

Description:

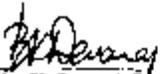
The City of El Segundo, in cooperation with the California Department of Transportation (Caltrans), proposes to construct the Douglas Street Gap Closure, Intermodal Transit Center and Railroad Grade Separation Project in the City of El Segundo, Los Angeles County. The Douglas Street Gap Closure between Alaska Avenue and Park Place would be designed as a 40kph (posted 25 mph) four-lane north-south arterial roadway with sidewalks. The proposed facility would be grade-separated and pass under the existing at-grade railroad tracks, the elevated Los Angeles County Metropolitan Transportation Agency Green Line light rail tracks, and the Douglas Street Green Line Station. An Intermodal Transit Center would provide additional bus, van, bicycle, pedestrian and auto access to the Green Line Station. The primary purposes of the project are to relieve congestion on the Aviation and Sepulveda boulevards north-south corridors by the creation of an additional north-south arterial route; facilitate access to the MTA Douglas Street Green Line Station; and improve efficiency of local and regional transit services, thereby, encouraging transit use. The existing topography in the proposed project area is flat. Adjacent land uses are mostly light industrial and office uses, with some hotel and retail uses.

Determination:

An Initial Study has been prepared for this proposed project. On the basis of this study, it is determined that the proposed action will not have a significant effect upon the environment for the following reasons:

The proposed project will have no effect on land use and community growth; population characteristics, housing or neighborhoods; businesses, industry, or employment; educational or other public facilities. No designated open space, recreation or parklands are involved. The project would have no effect on agriculture or timberlands, floodplains, wetlands, fish and wildlife, endangered species and habitat, natural resource use, mineral resources or solid waste.

The proposed project will have no significant effect on aesthetics, air quality, cultural resources, noise, water quality, or vegetation. There would be no significant effect due to the project as a result of topographic changes, soil erosion or exposure to seismic hazards or hazardous waste sites. Modifications included in project design would maintain traffic effects at a level that is less than significant.


Bellur K. Devaraj, Division Chief
City of El Segundo
Department of Public Works

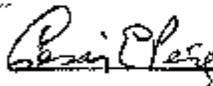
2/5/2003
Date of Approval

(End of Appendix A)

APPENDIX B
FINDING OF NO SIGNIFICANT IMPACT

**FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
FOR
DOUGLAS ST GAP CLOSURE PROJECT, INTERMODAL TRANSIT CENTER AND
RAILROAD GRADE SEPARATION PROJECT
IN THE CITY OF EL SEGUNDO, LOS ANGELES COUNTY**

The Federal Highway Administration (FHWA) has determined that the proposed Douglas St Gap closure will have no significant impact on the human environment. This Finding of No Significant Impact is based on the attached Environmental Assessment (EA) and incorporated technical reports, which have been independently evaluated by FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. These documents provide sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. The FHWA assumes responsibility for the accuracy, scope, and content of the attached EA and incorporated technical reports.



for Jeffrey W. Kolb
Chief, District Operations - South

2/24/03

Date

(End of Appendix B)

APPENDIX C VICINITY MAP

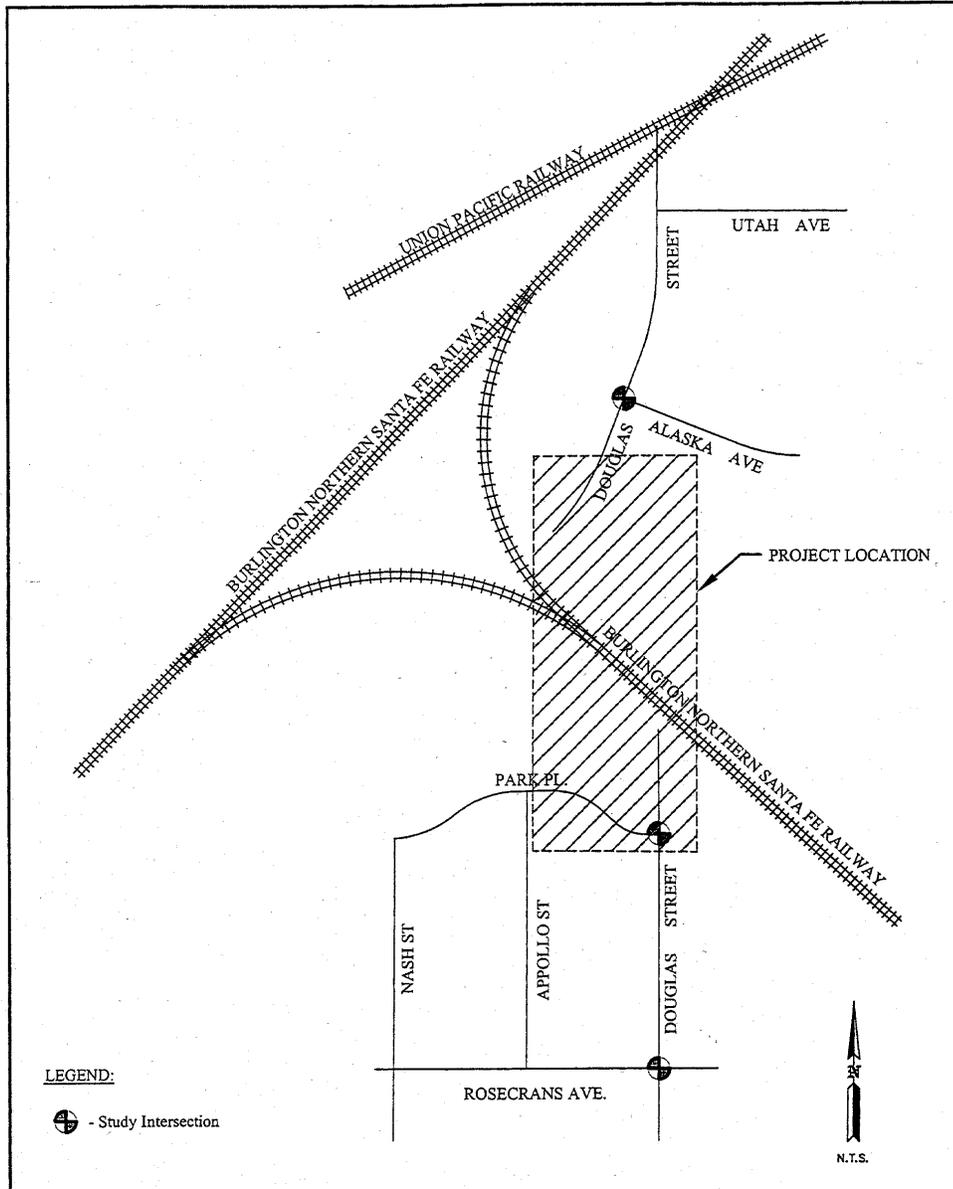
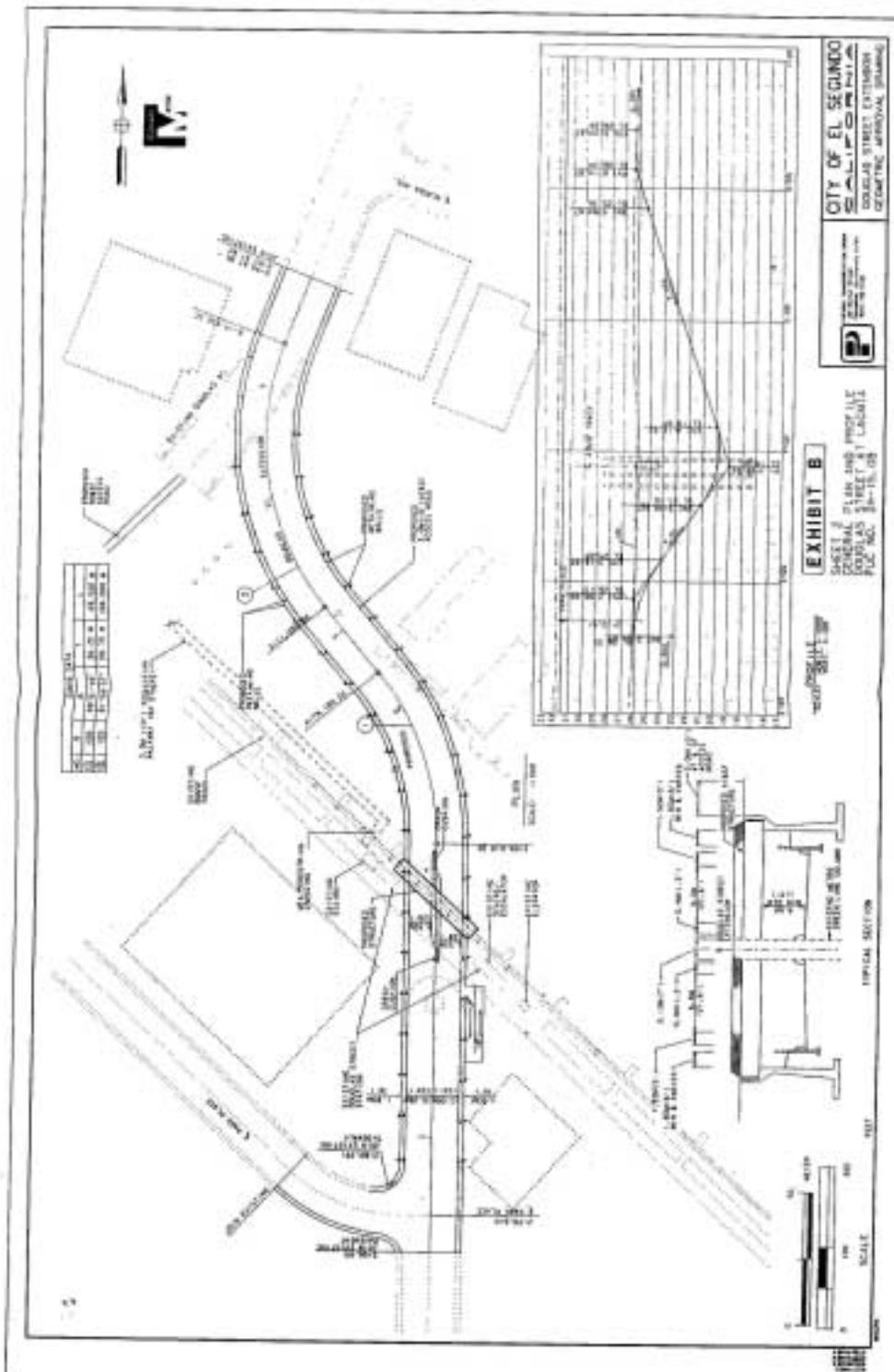


Figure 3.15-1
Douglas Street Gap Closure, Intermodal Transit Center
and Railroad Grade Separation Project
EXISTING ROADWAYS, PROJECT LOCATION AND STUDY INTERSECTIONS

APPENDIX C
PLANS



(End of Appendix C)