Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Pico Rivera for authority to construct a grade separation of Passons Boulevard, which currently crosses at grade the BNSF Railway Company at Mile Post 151.45, San Bernardino Subdivision, County of Los Angeles, City of Pico Rivera, California and close nearby Serapis Avenue at Mile Post 151.30, San Bernardino Subdivision, County of Los Angeles, City of Pico Rivera, California.	Application 06-03-014 (Filed March 13, 2006)

O P I N I O N

Summary

This decision grants the City of Pico Rivera's (City) request to construct a grade-separated crossing of Passons Boulevard, which would replace the existing at-grade crossing identified as CPUC Crossing No. 002-151.45 on the BNSF Railway Company's (BNSF) San Bernardino Subdivision, in Los Angeles County.

Discussion

Proposed Project

The proposed replacement of the existing Passons Boulevard at-grade crossing with a grade-separated structure beneath the BNSF tracks is part of a larger California Department of Transportation-Division of Rail (Caltrans) program to improve intercity passenger rail service. Caltrans, in cooperation with the Southern California Regional Rail Authority (SCRRA) and BNSF, proposes to increase the rail capacity of the existing BNSF San Bernardino

Subdivision main line corridor from the City of Commerce (Mile Post 148.6) for 14.7 miles to the City of Fullerton (Mile Post 163.3).

Caltrans' Third Track and Grade Separation Project (Project) focuses on increasing the efficiency of this corridor to accommodate the existing number of trains utilizing the corridor and future increases in both speed and volume of planned intercity passenger and commuter rail service. At its current operating level (approximately 100 total trains per day, including both freight and passenger trains), schedule delays occur along this rail corridor resulting in significant impacts to both freight and passenger service. Currently, BNSF operates approximately 42 freight trains daily on this route at maximum speeds of 50 miles per hour (mph). SCRRA operates approximately 34 Metrolink commuter passenger trains daily, and Amtrak operates approximately 26 intercity passenger trains daily at maximum speeds of 79 mph.

BNSF's main line corridor currently has two main line tracks. The Project proposes the construction of a third main line track and replacement of up to seven existing at-grade crossings with grade-separation bridge structures. The proposed grade separations will substantially improve overall safety and vehicular traffic flow on surface streets along the rail corridor by completely separating rail traffic from vehicular and pedestrian traffic. The third main line track will enhance efficiency of train movements along this corridor, reduce conflicts between freight and passenger service operations, and ensure passenger train service can operate on a reliable schedule. The replacement of the existing Passons Boulevard at-grade crossing with a grade-separation bridge structure is a key component of the Project.

In addition, the proposed grade separation will improve local vehicular traffic circulation. As a result, the adjacent Serapis Avenue at-grade crossing,

CPUC Crossing No. 002-151.30, will be closed once the new Passons Boulevard grade separation is opened to vehicular traffic.

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.[1] Here, Caltrans is the lead agency 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.[2]

The Commission reviewed and considered Caltrans' Final Environmental Impact Report (FEIR) and Notice of Determination (NOD), and finds them adequate for our decision-making purposes. Safety, transportation, and noise as

[1] CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

[2] CEQA Guidelines, Sections 15050(b) and 15096.

they relate to the proposed grade-separated highway crossing and replacement of the existing at-grade crossing are within the scope of the Commission's permitting process. The FEIR did not identify any impacts within the scope of the Commission's permitting process. A copy of the NOD finding that the project will not have a significant effect on the environment is included in Appendix B attached to this order.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) has inspected the site of the proposed grade-separated crossing. After reviewing the need for and safety of the proposed grade-separated crossing, RCES recommends that the Commission grant City's request.

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 a public highway across a railroad. A vicinity map of the existing crossing location and a plan of the proposed grade-separated crossing are shown in Appendix A attached to this order.

Categorization and Need for Hearings

In Resolution ALJ 176-3170, dated April 13, 2006, and published in the Commission Daily Calendar on April 14, 2006, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3170.

Waiver of Comment Period

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. Notice of the application was published in the Commission's Daily Calendar on March 15, 2006. There are no unresolved matters or protests; a public hearing is not necessary.

2. City requests authority, under Public Utilities Code Sections 1201-1205, to construct a grade-separated crossing of Passons Boulevard replacing the existing at-grade crossing identified as CPUC Crossing No. 002-151.45 and to close the Serapis Avenue at-grade crossing identified as CPUC Crossing No. 002-151.30 on the BNSF's San Bernardino Subdivision, in Los Angeles County.

3. The proposed grade-separated crossing and crossing closures are part of a larger Caltrans project to improve the efficiency of BNSF's rail corridor to accommodate the existing number of trains utilizing the corridor and future increases in both speed and volume of planned intercity and commuter rail passenger service, in the approximately 14.7 miles from the City of Commerce (Mile Post 148.6) to the City of Fullerton (Mile Post 163.3).

4. Public convenience, safety and necessity require the construction of the proposed grade-separated crossing.

5. Caltrans is the lead agency for this project under CEQA, as amended.

6. Caltrans adopted an FEIR and NOD for this project pursuant to CEQA.

7. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's FEIR and NOD.

Conclusions of Law

1. The FEIR and NOD adopted by Caltrans as the documentation required by CEQA for the crossing project are adequate for our decision-making purposes.

2. We adopt the Caltrans' FEIR and NOD for purposes of our approval.

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

O R D E R

IT IS ORDERED that:

1. City of Pico Rivera (City) is authorized to construct a grade-separated crossing of Passons Boulevard beneath tracks of the BNSF Railway Company's (BNSF) San Bernardino Subdivision, replacing the existing at-grade crossing identified as CPUC Crossing No. 002-151.45, in Los Angeles County. The new grade-separated crossing shall be identified as CPUC Crossing No. 002-151.45-B.

2. City shall close the Serapis Avenue at-grade crossing, CPUC Crossing No. 002-151.30. This at-grade crossing shall be eliminated within 30 days from the date the grade-separated crossing is opened to vehicular traffic.

3. City and BNSF shall comply with all applicable rules, including Commission General Orders and the Manual on Uniform Traffic Control Devices (MUTCD), as amended by the MUTCD California Supplement.

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

5. Within 30 days after the grade-separated crossing is opened to vehicular traffic, BNSF shall notify Rail Crossings Engineering Section (RCES) in writing that the grade-separated crossing is open and the two at-grade crossings are eliminated by submitting a completed Standard Commission Form G.

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. A request for extension of the three-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.

8. This application is granted as set forth above.

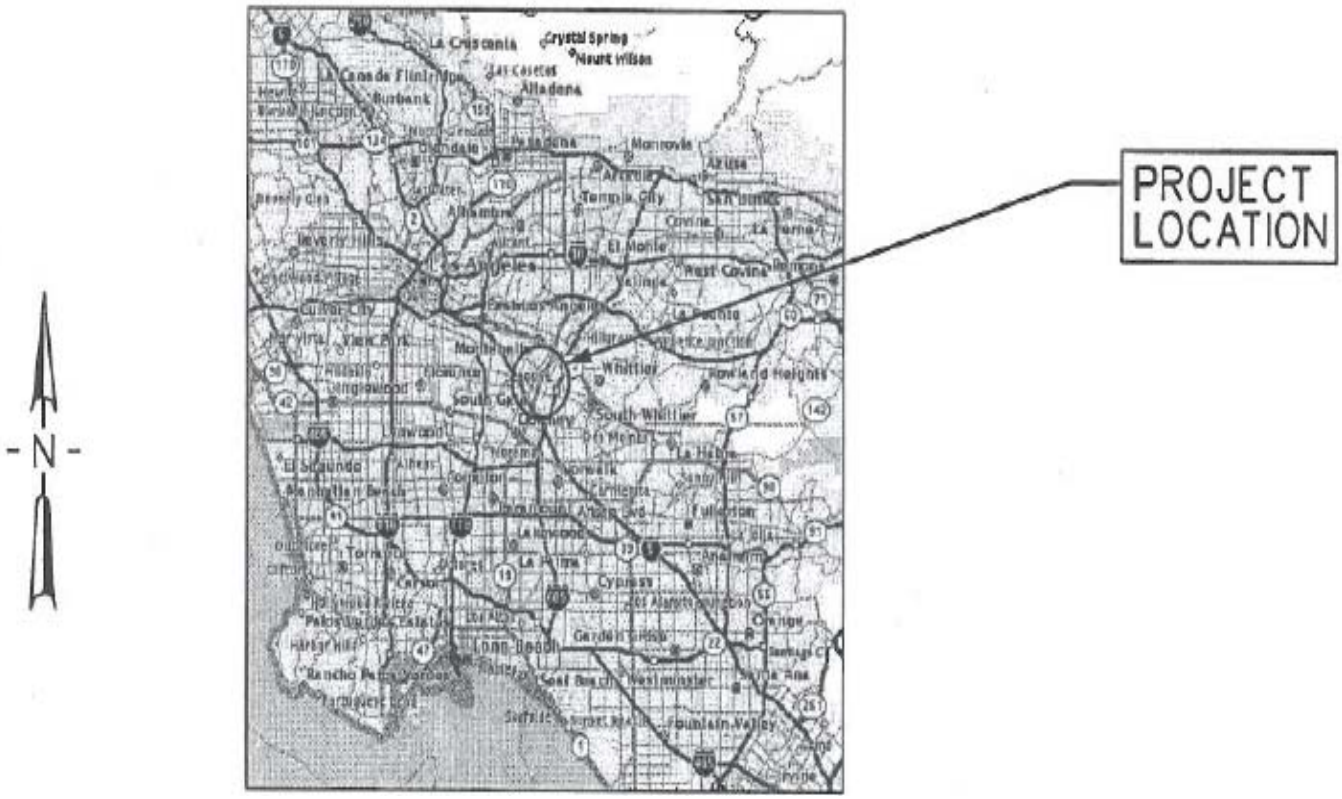
9. Application 06-03-014 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

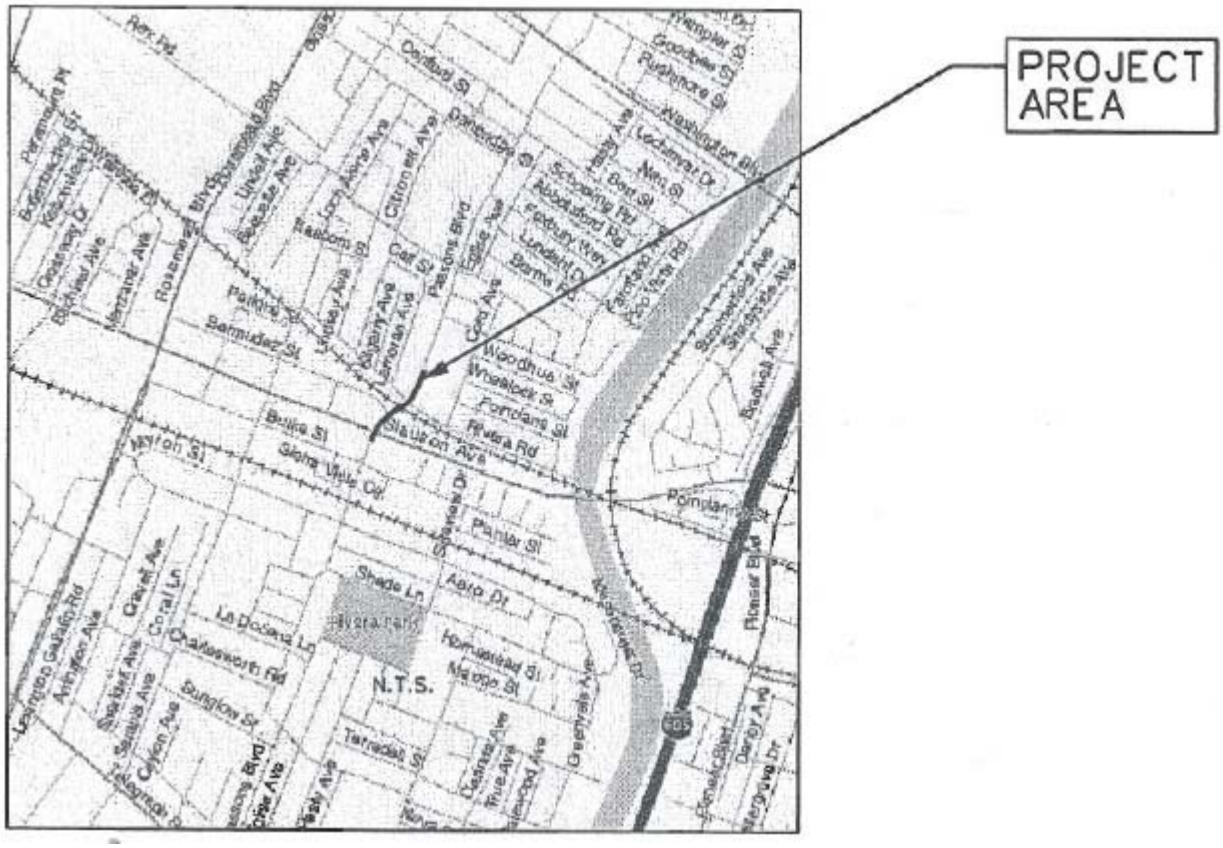
APPENDIX A

VICINITY MAP



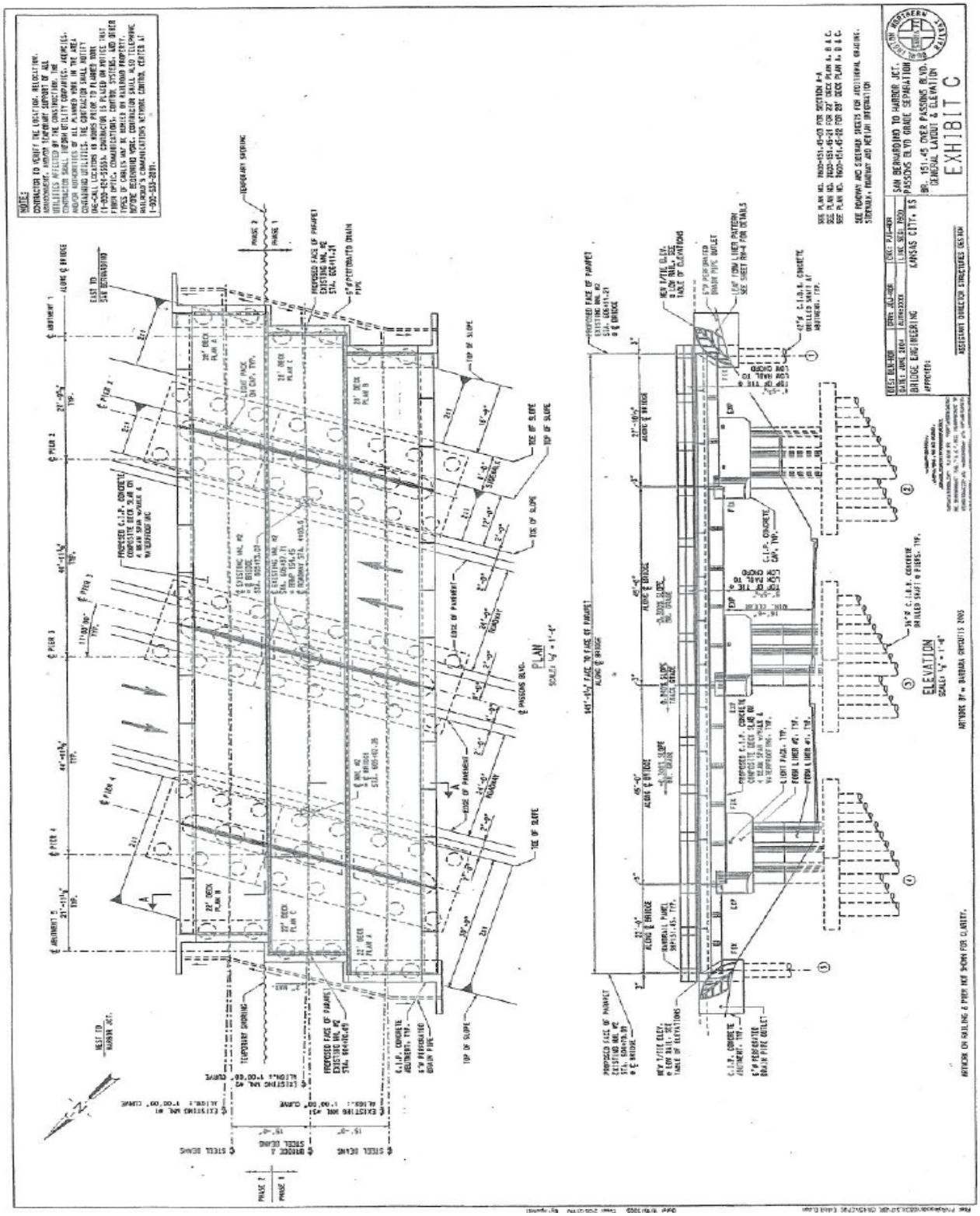
APPENDIX A

LOCATION MAP



APPENDIX A

BRIDGE PLAN & ELEVATION



APPENDIX B

NOTICE OF DETERMINATION

California Home Monday, N

OPR Home > CEQAnet Home > CEQAnet Query > Search Results > Document Description

Third Main Track and Seven Grade Separations Project, BNSF

SCH Number: 2002041111

Type: NOD

Project Description

The California Department of Transportation, Division of Rail, proposes the installation of a third main track over the 14.7 mile segmer alignment and in the installation of up to seven grade separations.

Project Lead Agency

Caltrans #7

Contact Information

Primary Contact:
Diane C. Eidam
California Transportation Commission
(916) 654-4245
1120 N Street
Sacramento
CA, 95814

Project Location

County: Los Angeles, Orange
City: Buena Park, Commerce, Fullerton, La Mirada, Montebello, ...
Region:
Cross Streets:
Parcel No:
Township:
Range:
Section:
Base:
Other Location Info:

Determinations

This is to advise that the ☐ Lead Agency ☒ Responsible Agency California Transportation Commission has approved the proje above on 8/18/2005 and has made the following determinations regarding the project described above.

1. The project ☐ will ☒ will not have a significant effect on the environment.

2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.

   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

3. Mitigation measures ☒ were ☐ were not made a condition of the approval of the project.

4. A Statement of Overriding Considerations ☐ was ☒ was not adopted for this project.

5. Findings ☐ were ☐ were not made pursuant to the provisions of CEQA.

Final EIR Available at: California Department of Transportation, District 7 120 South Spring Street Los Angeles, CA AND Pico Rivera Passons Boulevard Pico Rivera, CA AND La Mirada City Hall 13700 La Mirada Boulevard La Mirada, CA AND Santa Fe Springs City Telegraph Road Santa Fe Springs, CA AND Buena Park City Hall 6650 Beach Boulevard Buena Park, CA

Date Received: 8/26/2005