

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Sacramento Regional Transit District for an order authorizing District to remove, construct, maintain and operate a light rail passenger system across Evergreen Street in the City of Sacramento and the County of Sacramento, State of California.

Application 08-01-030
(Filed January 29, 2008)

DECISION GRANTING AUTHORITY TO REMOVE AND RELOCATE THE AT-GRADE HIGHWAY RAIL CROSSINGS AT EVERGREEN STREET IN THE CITY OF SACRAMENTO

Summary

This decision grants the Sacramento Regional Transit District’s (District) request for authority to remove and relocate the at-grade highway-rail crossings at Evergreen Street in the City of Sacramento. The relocation project will result in the elimination of two crossings and reestablishment of one crossing nearby. The crossings to be abolished are identified as Commission Crossing Nos. 083N-3.95 and 083N-4.08. The new crossing will be identified as Commission Crossing No. 083N-4.02.

Discussion

The District requests authority to remove the existing single-track at-grade highway-rail crossings at Evergreen Street (083N-3.95) and Evergreen Street East (083N-4.08). The current track alignment at Evergreen Street routes the track in a series of tight turns to loop the track around a private property. The District has since purchased that property and now wishes to straighten the track alignment and add a second track through the area. The District states the re-alignment

and double tracking project will improve service reliability and accommodate future express service. The re-alignment will eliminate two existing single track crossings (083N-3.95 and 083N-4.08) and create one new double track crossing (083N-4.02). Evergreen Street is currently a north/south running, two lane, two-way street with a 25-mile per hour (mph) speed limit at the new crossing location. Further south, in the area where the current alignment and two crossings will be eliminated, Evergreen Street curves west to an east/west running street. The District runs 135 trains a day at a maximum speed of 30 mph on this line.

District's application contains the details and plans for closing the two existing crossings and construction of the new crossing. District proposes to install one Commission Standard 9 warning device (flashing light signal assembly with automatic gate) in each traffic direction at the new crossing. California Manual on Uniform Traffic Control Devices (CAMUTCD) W10-1 railroad advance warning signs with W48 (CA) "2 Tracks" signs will be placed in both approach directions on Evergreen Street. All pavement markings will comply with CAMUTCD guidelines.

A 90-foot long delineator median will be installed on the north side of the crossing and an 80-foot long delineator median will be installed on the south side.

The latest (2001) Average Daily Traffic count is approximately 2,015 cars per day at 25 miles per hour.

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 must approve the project pursuant to requirements 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, the District is the lead agency for this project and the Commission is a responsible agency. On December 6, 2001, the District filed a Notice of Exemption with the County of Sacramento stating that the project was categorically exempt under CEQA (Class 2 Section 15302). A copy of the Notice of Exemption is attached to this decision.

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

We have reviewed the lead agency's Notice of Exemption and find that it is adequate for our decision-making purposes. We also find that this project is categorically exempt from the requirements of CEQA pursuant to Section 15302.

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements, including Rule 3.9 of Rules of Practice and Procedure, which

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

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

relates to the construction of a public highway across a railroad. The Commission's Consumer Protection and Safety Division - Rail Crossings Engineering Section inspected the site of the proposed crossing and reviewed and analyzed the plans submitted with the application, and recommends that the Commission grant the District's request for a period of two years.

Categorization and Need for Hearings

In Resolution ALJ 176-3209, dated February 28, 2008, and published in the Commission Daily Calendar (CDC) on February 21, 2008, 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 176-3209.

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 February 21, 2008. No protests have been filed.
2. The District requests authority to eliminate two existing crossings at Evergreen Street and Evergreen Street East. These crossings are identified as Commission Crossing Nos. 083N-3.95 and 083N-4.08.

3. The District requests authority to construct a new at-grade crossing on Evergreen Street. The new crossing will be identified as Commission Crossing No. 083N-4.02.

4. The District 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 District's environmental documentation specified in this decision, and finds the documentation adequate for decision-making purposes.

6. This project has been determined to be categorically exempt from the requirements of CEQA.

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 Sacramento Regional Transit District (District) is authorized to eliminate two existing crossings at Evergreen Street and Evergreen Street East. These crossings are identified as Commission Crossing Nos. 083N-3.95 and 083N-4.08.

2. Public safety requires that the elimination of these two existing crossings shall be carried out as described in the submitted application and plans and as summarized in the discussion section of this decision.

3. The District is authorized to construct a new at-grade crossing at Evergreen Street, as requested in the submitted application. The crossing will be identified as Commission Crossing No. 083N-4.02.

4. Public safety requires that this new crossing shall be equipped with warning devices, pavement markings and delineator medians, as described in the submitted application and plans and as summarized in the discussion section of this decision.

5. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the District and the City of Sacramento. 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 08-01-030 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

A6: A - 00006

NOTICE OF EXEMPTION

0101331

TO: Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

County Clerk
County of Sacramento
600 Eighth Street
Sacramento, CA 95814

FROM: Sacramento Regional Transit District
Legal Division
PO Box 2110
Sacramento, CA 95812-2110

FILED
 DEC 6 2001
 By MARK NORRIS, CLERK RECORDER
 COUNTY OF SACRAMENTO

Project Title Relocating and Straightening The Lumberjack Curve

Project Location/Description: 936 Arden Way/The Lumberjack Property

Description of Nature, Purpose, and Beneficiaries of Project: The project is straightening the Lumberjack Curve by relocating this length of track further north of the current location. This activity will enable RT to run the existing rail services more effectively with time savings.

Public Agency Approving Project: Sacramento Regional Transit District

Person or Agency Carrying Out Project: Sacramento Regional Transit District

Exempt Status: (Check One)

Ministerial (Public Resources Code § 21080(b)(1); CEQA Guidelines §15268);

Declared Emergency (Public Resources Code § 21080(b)(3); CEQA Guidelines §15269(a));

Emergency Project (Public Resources Code § 21080(b)(4); CEQA Guidelines §15269(b)(c));

Categorical Exemption Under CEQA Guidelines § 15302 [Class II]

Categorical Exclusion Under NEPA 23 CFR 771.117

Reasons why Project is Exempt: CEQA exempts from the definition of "projects subject to CEQA" those activities that the lead agency has determined will not have a potential to cause a significant effect on the environment.

Contact Person: Taiwo A. Jaiyeoba Telephone: (916) 321-2870

Signature: [Signature] Title: SENIOR PLANNER

Date Received for Filing and Posting at DPR and /or County Recorder:

DEC 07 2001
 FEB 08 2002