

Decision 09-07-048 July 30, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Hanford to convert an existing private at-grade crossing to a public at-grade crossing at the extension of Campus Drive in the vicinity of Mile Post No. 253.58 of the Union Pacific Railroad Company in the City of Hanford, County of Kings, State of California.

Application 09-02-015
(Filed February 23, 2009)

**DECISION GRANTING THE CITY OF HANFORD AUTHORITY
TO CONVERT AN EXISTING PRIVATE AT-GRADE CROSSING TO A PUBLIC
AT- GRADE CROSSING AT THE FUTURE EXTENSION OF CAMPUS DRIVE
ACROSS THE RAILROAD TRACK AND RIGHT-OF-WAY OF THE UNION
PACIFIC RAILROAD IN THE CITY OF HANFORD**

Summary

This decision grants the request of the City of Hanford (City) for authority to convert an existing private at-grade crossing to a public at-grade crossing at the future extension of Campus Drive, across the railroad track of the Union Pacific Railroad (UPRR), leased to the San Joaquin Valley Railroad Company (SJVR), in the City, County of Kings. The new crossing will be identified as CPUC Crossing No. 103BD-253.60, Campus Drive.

Discussion

As described in the Circulation Plan of the City's General Plan, this proposed project of converting an existing private at-grade crossing to a public at-grade crossing at the future extension of Campus Drive is necessary for the completion of Campus Drive from West 6th Street to Glendale Avenue. The

extension of Campus Drive will result in Campus Drive becoming a north-south collector for the west portion of the City, thereby improving overall traffic circulation in the City. Upon completion of the new Campus Drive crossing, the City has agreed to close the Brown Street at-grade crossing, CPUC Crossing No. 103BD-252.30. The train traffic at the proposed new, converted crossing, as well as the crossing proposed for elimination, is expected to remain unchanged at one to two trains per day, operating at between 5 to 20 miles per hour. SJVR, which leases the track from UPRR, is operating freight trains through the crossing, but UPRR typically does not. No passenger trains operate through these crossings.

The new crossing shall have two lanes across the track, and be equipped with two Commission Standard 9 warning devices, an 8-foot wide, 60-foot long median on both sides of the crossing, concrete panel crossing surfaces, and a sidewalk on both sides of the roadway situated behind the warning devices. The sidewalks shall have detectable warning tactile strips extending across the entire pedestrian pathway. The detectable warning tactile strip edge nearest the track shall be placed approximately 1 foot in advance of the warning device locations, and in the off quadrants (where no warning devices are present), the nearest edge shall be located no closer than 12 feet from the rail. The proposed crossing will provide an approximately 68-foot wide right-of-way with curb, gutter, and sidewalk on each side of the road. As required by the California Manual on Uniform Traffic Control Devices, the crossing shall also have at-grade highway-rail crossing advance warning pavement markings and signs.

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 has the exclusive authority to 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 either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, the City is the lead agency for this project because the project is being undertaken by the City to implement a portion of its General Plan, and the Commission is a responsible agency because it has jurisdiction to issue a permit for the project. 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.³

Pursuant to CEQA, an Initial Study and a Negative Declaration were prepared by the City, which identified environmental impacts due to the construction and operation of the crossing.

Environmental impacts related to safety, traffic (transportation), and noise are within the scope of the Commission's permitting process. In their Initial Study, the City identified no significant impacts related to safety, traffic, and

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

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

³ CEQA Guidelines, Sections 15050(b) and 15096.

noise. There are less-than-significant impacts related to traffic and noise due to an anticipated small increase in traffic at adjacent intersections and a general increase in ambient noise levels, but no anticipated excessive levels associated with the operation of the crossing.

In the Initial Study, signed by the City on November 18, 2008, the City finds that the proposed project would not have a significant effect on the environment, and a Negative Declaration will be prepared.

In the Negative Declaration, completed by the City on January 6, 2009, the City determined that the proposed project will not have a significant effect on the environment.

The Commission reviewed and considered the Initial Study and the Negative Declaration and finds them adequate for our decision-making purposes.

Filing Requirements and Staff Recommendations

This application is in compliance with the Commission's filing requirements, including Rule 3.7 of Rules of Practice and Procedure, which relates to the construction of a public highway across a railroad.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section has inspected the site of the proposed crossing, has reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to convert the subject private at-grade crossing to a public at-grade crossing be granted for a period of two years.

Categorization and Need for Hearings

In Resolution ALJ 176-3230 dated March 12, 2009, and published in the Commission's Daily Calendar on March 13, 2009, 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 176-3230.

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 Commission's Daily Calendar on February 26, 2009. 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 convert a private at-grade crossing to a public at-grade crossing at the future extension of Campus Drive across the railroad track and right-of-way of UPRR, leased to SJVR, in the City of Hanford, Kings County. The new, converted crossing will be identified as CPUC Crossing No. 103BD-253.60, Campus Drive.

3. The City is the lead agency for this project under CEQA.

4. The City, acting pursuant to CEQA, prepared an Initial Study and a Negative Declaration for this crossing project.

5. Pursuant to CEQA, the City signed an Initial Study for this crossing project on November 18, 2008. The City's Initial Study for this crossing project identified no significant impacts related to safety, traffic and noise. There are some less-than-significant impacts related to traffic and noise. In this environmental document, the City finds that this proposed project would not have a significant effect on the environment.

6. Pursuant to CEQA, the City completed a Negative Declaration for this crossing project on January 6, 2009. In this environmental document, the City states that this proposed project will not have a significant effect on the environment.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

Conclusions of Law

1. The Initial Study and Negative Declaration, prepared by the City as the documentation required by CEQA, are adequate for our decision-making purposes.

2. We adopt the City's Negative Declaration finding that the project will not have a significant effect on the environment.

3. The application is uncontested and a public hearing is not necessary.

4. 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 Hanford (City) is authorized to convert a private at-grade crossing to a public at-grade crossing at the future extension of Campus Drive across the railroad track and right-of-way of the Union Pacific Railroad, leased to

San Joaquin Valley Railroad Company, in the City of Hanford, Kings County, at the location substantially as described in the application. The new crossing will be identified as CPUC Crossing No. 103BD-253.60, Campus Drive.

2. The new crossing shall have two lanes across the track, and be equipped with two Commission Standard 9 warning devices, an 8-foot wide, 60-foot long median on both sides of the crossing, concrete panel crossing surfaces, and a sidewalk on both sides of the roadway situated behind the warning devices. The sidewalk approaches to the crossing shall have appropriately placed detectable warning tactile strips extending across the entire pedestrian pathway. As required by the California Manual on Uniform Traffic Control Devices, the crossing shall also have at-grade highway-rail crossing advance warning pavement markings and signs.

3. The City shall notify the Commission's Consumer Protection and Safety Division - Rail Crossings Engineering Section (RCES) at least 5 business days prior to opening the crossing and placing the warning devices in service. Notification should be made to rces@cpuc.ca.gov.

4. Within 90 days after the opening of the new Campus Drive crossing, the City will close the Brown Street crossing, CPUC Crossing No. 103BD-252.30, to vehicular traffic and shall remove the roadway approaches and provide appropriate permanent barricades preventing motorist and pedestrian use.

5. Within 30 days after completion of the work under this order, the City shall notify RCES that the authorized work is completed by submitting a completed Standard Commission Form G titled *Report of Changes at Highway Grade Crossings and Separations*. Form G requirements and forms can be obtained at the CPUC web site Form G page at <http://www.cpuc.ca.gov/formg>. This report may be submitted electronically to rces@cpuc.ca.gov.

6. The City shall comply with all applicable rules, including Commission General Orders and the California Manual on Traffic Control Devices.

7. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not satisfied. The Commission may revoke or modify this authorization 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 09-02-015 is closed.

This order becomes effective 30 days from today.

Dated July 30, 2009, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners