Decision 10-03-013 March 11, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the California Department of Transportation for an order authorizing replacement of an existing grade separated crossing (Frontage Road Overhead) per General Order 26-D over one rail line operated by BNSF at State Route 60 and near State Route 215/60 Interchange in the City of Riverside and Moreno Valley, County of Riverside, State of California.	Application 09-03-013 (Filed March 6, 2009)

DECISION GRANTING AUTHORIZATION TO CALIFORNIA DEPARTMENT OF TRANSPORTATION TO REMOVE AND RECONSTRUCT THE FRONTAGE ROAD OVERHEAD BRIDGE STRUCTURE OVER ONE SET OF RAILROAD TRACKS OWNED BY BNSF RAILWAY COMPANY WITHIN THE CITY OF RIVERSIDE AND MORENO VALLEY, COUNTY OF RIVERSIDE

Summary

This decision grants the California Department of Transportation (Caltrans) authorization to remove and reconstruct the existing grade-separated crossing of Box Springs Road/Frontage Road, identified as CPUC Crossing No. 002X-6.38-A and DOT No. 027312L, over BNSF Railway Company's ("BNSF") San Jacinto Subdivision railroad tracks, within the City of Riverside and Moreno Valley, in the County of Riverside.

Discussion

Caltrans proposes to remove the existing Box Springs Road/Frontage Road Overhead and reconstruct a new grade-separated structure immediately to the north of the existing Box Springs Road/Frontage Road structure, as part of its

project to improve the efficiency of State Route 60 (SR 60) and Interstate 215 (I-215) and associated interchanges in Riverside County. The proposed grade-separated structure is located immediately north of the SR 60/I-215 interchange. The structure will be four lanes wide and the approach roadways will be realigned to connect to the new bridge structure. The proposed crossing number for the new grade separated Box Springs/Frontage Road structure will remain the same and is identified as CPUC Crossing No. 002X-6.38-A and DOT No. 027312L.

The accelerated growth and development within the Inland Empire over the last two decades has resulted in increase of commuter and interregional traffic. The increased traffic volumes exceed the existing capacity of the facilities and have resulted in severe congestion and operational breakdown of the facilities. Operational conditions on the SR 60/I-215 freeways within the study area have deteriorated in general, and have fallen to Level of Service F during peak periods. In addition, the increased congestion and existing geometric deficiencies have contributed to a high rate of congestion related auto accidents in the vicinity. Conditions are expected to deteriorate further unless an alternative is implemented in the near future. The Frontage Road grade-separated structure is part of the project to address these deficiencies.

The design and construction of the overpass grade-separation structure will comply with all minimum clearance requirements set forth in California Public Utilities Commission General Order 26-D. The plans show the minimum vertical clearance will be 29.98 feet from top of rail to the bottom of bridge structure, which meets the minimum requirement for General Order 26-D of 22.5 feet.

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, Caltrans is the lead agency for this project because it is proposing and carrying out the project to improve one of its roadways, 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]

The replacement or reconstruction of an existing grade-separation structure is statutorily exempt from CEQA (Public Resources Code 21080.13).

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[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.

However, pursuant to CEQA and the National Environmental Policy Act, Caltrans and the Federal Highway Administration (FHWA) have prepared a joint Final Environmental Impact Statement, and Final Environmental Impact Report ("joint FEIS/FEIR") that reviews improvements to SR 60 and I-215, which includes the removal and reconstruction of the Box Springs Road overcrossing on I-215. The joint FEIS/FEIR states that there are no major individual or cumulative environmental impacts associated with the entire project.[4] Substantively this means that the removal and reconstruction of the existing grade-separated crossing of Box Springs Road/Frontage Road, a subset of the larger project, has no significant impacts. Although the FEIS/FEIR is a joint document, the FEIR, dated September, 2001, meets the requirements of CEQA. FHWA approved a Record of Decision (ROD) for the project on March 1, 2002.

Caltrans prepared a CEQA Addendum in December 2009 to address additional issues related to design changes related to the I-215/SR 60 Project. The Addendum disclosed that no new significant impacts were associated with the changes.

The Commission reviewed and considered the joint FEIS/FEIR, the ROD, and the CEQA Addendum. The Commission finds the documents adequate for our decision-making purposes.

Filing Requirements and Staff Recommendation

[4] Final Environmental Impact Statement/Environmental Impact Report, Interstate 215 Improvements, Cities of Riverside and Moreno Valley, Riverside, California, at Page 2-15.

The 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, reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to construct the subject crossing be granted for a period of three years.

Categorization and Need for Hearings

In Resolution ALJ 176-3231 dated March 26, 2009, and published in the Commission Daily Calendar on March 27, 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 176-3231.

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 March 13, 2009. There are no unresolved matters or protests. A public hearing is not necessary.

2. Caltrans requests authority, under Public Utilities Code Sections 1201-1205, to remove and reconstruct a grade-separated crossing of Frontage Road over the BNSF's San Jacinto Subdivision railroad tracks.

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

4. Caltrans and FHWA prepared a joint FEIS/FEIR for improvements to I-215 and SR 60, which has a scope that includes the removal and reconstruction of the existing grade-separated crossing of Box Springs Road/Frontage Road.

5. Because the joint FEIS/FEIR identifies no major environmental impacts associated with I-215 and SR 60, this substantively means that the removal and reconstruction of the existing grade-separated crossing of Box Springs Road/Frontage Road, a subset of the larger project, has no significant impacts to the environment.

6. FHWA approved a ROD for the project on March 1, 2002.

7. Caltrans prepared a CEQA Addendum for additional design changes related to the I-215/SR 60 Project in December 2009.

8. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's joint FEIS/FEIR, including the Environmental Reevaluation/Addendum of August 2006.

Conclusions of Law

1. The joint FEIR/FEIS, ROD and CEQA Addendum, prepared by Caltrans and FHWA to meet CEQA requirements, are adequate for our decision-making purposes.

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

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

O R D E R

IT IS ORDERED that:

1. The California Department of Transportation is authorized to remove and reconstruct the Frontage Road grade-separated crossing to be identified as CPUC Crossing No. 002X-6.38-A, in the City of Riverside and Moreno Valley, County of Riverside.

2. The California Department of Transportation shall notify the Commission's Consumer Protection and Safety Division – Rail Crossing Engineering Section at least five (5) business days prior to opening the crossing. Notification should be made to rces@cpuc.ca.gov.

3. Within 30 days after completion of the work under this order, the California Department of Transportation shall notify Rail Crossing Engineering Section in writing, by submitting a completed Commission Standard Form G (*Report of Changes at Highway Grade Crossings and Separations*), of the completion of the authorized work. 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 as outlined on the web page.

4. The California Department of Transportation shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.

5. This authorization shall expire if not exercised within three 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.

6. A request for extension of the three-year authorization period must be submitted to Rail Crossing Engineering Section at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

7. The application is granted as set forth above.

8. Application 09-03-013 is closed.

This order becomes effective 30 days from today.

Dated March 11, 2010, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
TIMOTHY ALAN SIMON
NANCY E. RYAN
Commissioners