

Decision 10-03-010 March 11, 2010

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the PENINSULA CORRIDOR JOINT POWERS BOARD for authority to construct two new pedestrian underpasses at MPs 10.94 & 11.06 at the San Bruno Caltrain Station, City of San Bruno, County of San Mateo

Application 09-12-013  
(Filed December 7, 2009)

**DECISION GRANTING AUTHORIZATION TO THE PENINSULA CORRIDOR JOINT POWERS BOARD TO CONSTRUCT TWO NEW GRADE-SEPARATED PEDESTRIAN UNDERPASS CROSSINGS IN THE CITY OF SAN BRUNO, COUNTY OF SAN MATEO**

**Summary**

This decision grants the Peninsula Corridor Joint Powers Board (PCJPB) authorization to construct two new grade-separated pedestrian and bicycle crossings under the track and right-of-way of the PCJPB in the City of San Bruno, County of San Mateo (County). The new crossings will be identified as CPUC Crossing No. 105E-10.95-BD and CPUC Crossing No. 105E-11.05-BD.

**Discussion**

The proposed construction of two new grade-separated pedestrian underpass crossings is part of a larger project involving the relocation of the existing San Bruno Caltrain station to milepost 11.05, replacement of three existing at-grade vehicular crossings with grade-separated underpass crossings, and replacement of an at-grade pedestrian crossing within the current San Bruno

Caltrain station with a public pedestrian underpass crossing. The project location is on the Caltrain mainline in the City of San Bruno.

Two proposed pedestrian underpass crossings are within the scope of this decision. The first proposed pedestrian underpass crossing that is the subject of this application is to be identified as CPUC Crossing No. 105E-10.95-BD, and will provide access between the residential zone west of the tracks to the industrial zone east of the tracks by linking Euclid Avenue with Walnut Street. Providing safe pedestrian access at this location will reduce trespassers in the vicinity.

The second proposed pedestrian underpass crossing of this application is identified as CPUC Crossing No. 105E-11.05-BD, and will be the future location of the new San Bruno Caltrain station. This pedestrian underpass will provide access between the northbound and southbound platforms.

Although not part of the scope of this decision, the three vehicular crossings to be grade-separated are the San Bruno Avenue, San Mateo Avenue, and Angus Avenue crossings, identified as CPUC Crossing Nos. 105E-11.00, 105E-11.10, and 105E-11.40, respectively. These at-grade vehicular crossings have a very high Average Daily Traffic count due to the close proximity to the San Francisco International Airport, an industrial zone, and Highways 280, 380, and 101. This project is currently ranked eighth on the Section 190 Grade Separation program.<sup>1</sup> The PCJPB has submitted GO 88-B applications for modification of these three crossings to the CPUC. G.10-01-015 has been submitted for the San Bruno Avenue crossing. G.10-01-016 has been submitted

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<sup>1</sup> I.07-07-006 Appendix B.

for the San Mateo Avenue crossing. G.10-01-017 has been submitted for the Angus Avenue crossing.

The San Bruno Caltrain Station North Pedestrian crossing identified as CPUC No. 105E-11.60-D will be replaced with a public pedestrian underpass crossing. The PCJPB has submitted GO 88-B application G.10-01-018 to modify this crossing to the CPUC.

Upon completion of the new San Bruno Caltrain station, the south at-grade San Bruno Caltrain station pedestrian crossings will be closed and the north at-grade pedestrian crossing will be modified into a public pedestrian underpass.

The PCJPB operates 90 passenger trains per day on this segment of track in addition to approximately four daily Union Pacific Railroad freight trains.

### **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,<sup>2</sup> or the one with the greatest responsibility for supervising or approving the project as a whole.<sup>3</sup> Here, the PCJPB is the lead agency for this project because the project is located on the PCJPB mainline and PCJPB is undertaking the project, 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.<sup>4</sup>

The PCJPB has determined the San Bruno Grade-Separation Project to be statutorily exempt under Public Resources Code Section 21080.13 which provides exemption from CEQA for ". . . any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation."

On November 12, 2004, the PCJPB filed a Notice of Exemption with the San Mateo County Clerk.

The Commission reviewed and considered the Notice of Exemption and finds it adequate for our decision-making purposes.

### **Filing Requirements and Staff Recommendation**

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<sup>2</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

<sup>3</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

<sup>4</sup> CEQA Guidelines, Sections 15050(b) and 15096.

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, has 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 176-3246, dated December 17, 2009, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

### **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 December 18, 2009. There are no unresolved matters or protests. A public hearing is not necessary.

2. The PCJPB requests authority, under Public Utilities Code Sections 1201-1205, to construct two new grade-separated pedestrian underpass highway-rail crossings on the Caltrain mainline.

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

4. The PCJPB prepared a Notice of Exemption for this project and filed with the San Mateo County Clerk on November 12, 2004 that includes a statement claiming the project is exempt under Public Resources Code Section 21080.13.

5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Notice of Exemption, including Public Resources Code Section 21080.13.

## **Conclusions of Law**

1. The Notice of Exemption prepared by the PCJPB as the documentation required by CEQA for the project is 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 Peninsula Corridor Joint Powers Board is authorized to construct two new, grade-separated, pedestrian and bicycle crossings under the track and right-of-way of the Peninsula Corridor Joint Powers Board in the City of San Bruno, County of San Mateo, as specified in the application and plans. The new

crossings will be identified as CPUC Crossing Nos. 105E-10.95-BD and 105E-11.05-BD.

2. The Peninsula Corridor Joint Powers Board shall close the south at-grade pedestrian crossing within the existing San Bruno Caltrain station identified as CPUC No. 105E-11.80-D upon opening the new San Bruno Caltrain station located at milepost 11.05 to the public.

3. The Peninsula Corridor Joint Powers Board 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](mailto:rces@cpuc.ca.gov).

4. Within 30 days after completion of the work under this order, the Peninsula Corridor Joint Powers Board shall notify the Commission's Consumer Protection and Safety Division – 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 California Public Utilities Commission web site Form G page at <http://www.cpuc.ca.gov/formg>. This report may be submitted electronically to [rces@cpuc.ca.gov](mailto:rces@cpuc.ca.gov) as outlined on the web page.

5. The Peninsula Corridor Joint Powers Board shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.

6. 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.

7. A request for extension of the three-year authorization period must be submitted to Commission's Consumer Protection and Safety Division - 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.

8. The application is granted as set forth above.

9. Application 09-12-013 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